



Transcript of the Testimony of

Craig A. Bullard

Date: March 22, 2016

Case: Hays, et al v. Exxon Mobil Corporation, et al

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IN THE CIRCUIT COURT OF FAULKNER COUNTY, ARKANSAS
THIRD DIVISION

JASON HAYS AND MELISSA HAYS, ET AL,
Plaintiffs,

vs.

CASE NO. 23CV-14-877

EXXON MOBIL CORPORATION, ET AL,
Defendants.

ORAL DEPOSITION OF CRAIG A. BULLARD

TAKEN BEFORE Garold W. Pritsch, Certified Court
Reporter, LS Certificate No. 329, Bushman Court
Reporting, 620 West Third Street, Suite 302, Little Rock,
Arkansas 72201 on March 22nd, 2016 at Duncan Firm, 900
South Shackleford Road, Suite 725, Little Rock, Arkansas
commencing at 8:45 a.m.

1 APPEARANCES:

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4 MR. JUSTIN C. ZACHARY, Attorneys at Law
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11 *** For the Plaintiffs ***

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13 MR. MICHAEL D. BARNES, Attorneys at Law
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16 Little Rock, Arkansas 72201;

17 MR. PAUL D. MORRIS, Attorney at Law
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21 MR. LONNIE L. JOHNSON, Attorney at Law
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25 *** For the Defendants ***

ALSO PRESENT:

Mr. Tschiemer, Videographer

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1 ANSWERS AND DEPOSITION OF CRAIG A. BULLARD, a
2 witness produced at the request of Defendant, taken in
3 the above styled and numbered cause on the 22nd of March,
4 2016, before Garold W. Pritsch, Certified Court Reporter,
5 LS Certificate No. 329, a Notary Public in and for
6 Garland County, Arkansas, taken at the offices of Duncan
7 Firm, 900 South Shackleford Road, Suite 725, Little Rock,
8 Arkansas at 8:45 a.m.

9 CRAIG A. BULLARD

10 The witness hereinbefore named, having been duly
11 cautioned and sworn or affirmed to tell the truth, the
12 whole truth, and nothing but the truth, testified as
13 follows:
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EXAMINATION

MR. TSCHIERER: We're on the audio video record at approximately 8:45 a.m. on March 22nd, 2016.

This is Mike Tschiermer, legal video specialist for Arkansas Legal Video.

We're at the Duncan Law Firm at 900 South Shackleford, Suite 725 in Little Rock, Arkansas to take the deposition of Craig Bullard in the matter of Jason Hays, et al, versus Exxon Mobil Corporation, et al, in the Circuit Court of Faulkner County, Case Number 23CV-14-877.

The court reporter is Gary Pritsch.

Will counsel please state their appearances for the record?

MR. POINTER: Rob Pointer, Duncan Law Firm, representing the plaintiff.

MR. IRBY: Scott Irby for defendants.

MR. MORRIS: Paul Morris for defendants.

MR. JOHNSON: Lonnie Johnson for ExxonMobil.

MR. BARNES: Michael Barnes for defendants.

MR. TSCHIERER: Mr. Pritsch, will you please swear in the witness?

1 (The witness was sworn.)

2 MR. TSCHIEMER: Thank you. Please
3 proceed.

4 BY MR. IRBY:

5 Q. Good morning, Mr. Bullard.

6 A. Good morning.

7 Q. Could you please tell us your full name?

8 A. Craig Anthony Bullard.

9 Q. Mr. Bullard, what's your date of birth?

10 A. 4/24/1978.

11 Q. What does that make you today age wise?

12 A. 37.

13 Q. Have you ever given a deposition before?

14 A. I have not.

15 Q. You've probably had an opportunity to visit with
16 your lawyer about kind of what we're doing today, but
17 this is a question and answer period where I'm going to
18 ask you a few questions about the claims that you've
19 brought in this lawsuit against Exxon and some other
20 defendants. Do you understand that today, sir?

21 A. Yes, sir.

22 Q. Is there any reason -- medical reason or other
23 reason why you can't give full and truthful answers
24 today?

25 A. No, sir.

1 Q. If you -- if you have any troubles with my
2 questions, if they're not clear or you don't understand
3 it, just ask me to rephrase it and I'll be happy to do
4 that. All right?

5 A. Yes, sir.

6 Q. If we need a break, you know, let me know and we'll
7 take a break. I'd just ask you to answer any question
8 that's pending before we take the break. Okay?

9 A. Yes, sir.

10 Q. What is your current address?

11 A. What is it? Seven -- 8715 Worth Avenue?

12 Q. In Benton?

13 A. Benton, Arkansas.

14 Q. Is that -- did you say Worth?

15 A. Worth, yes, sir.

16 Q. And we visited with your wife yesterday, and so she
17 told us you had -- you all have moved to Benton in the
18 Hurricane Lakes area?

19 A. Yes.

20 Q. Is that right?

21 A. Yes, sir.

22 Q. And about when did you all move in?

23 A. What would that be? 2014, September.

24 Q. September, 2014?

25 A. Yes, sir.

1 Q. Your wife told us that -- that you all -- you all
2 enjoyed living there; is that true?

3 A. In Hurricane Lakes?

4 Q. Yes.

5 A. Yes, sir.

6 Q. And you live on the lake out there as I appreciate
7 it; right?

8 A. We don't live directly on the lake, but yes.

9 Q. Okay.

10 A. It's close, close proximity.

11 Q. And you've got -- you have a fishing boat?

12 A. Yes, sir.

13 Q. And do you do a fair amount of fishing?

14 A. Yes, sir. I'm an avid fisherman I would say.

15 Q. You do some tournaments?

16 A. Yes, sir.

17 Q. And are you like Mr. Bass or whatever these kind of
18 things are?

19 A. I'm not that good.

20 Q. Okay. All right. You do -- what tournaments do
21 you fish in?

22 A. They're just amateurs, local tournaments, different
23 clubs.

24 Q. And then do you go around to like, you know, Greers
25 Ferry and Dardanelle and --

1 A. Haven't fished Greers Ferry, haven't fished
2 Dardanelle.

3 Q. Okay. Where do you usually fish?

4 A. We have fished Lake Maumelle, the -- let's see,
5 DeGray Lake a lot, Lake Hamilton, Ouachita.

6 Q. Down more in the southwest part of the state?

7 A. Well, it's just a mix here and there.

8 Q. Okay. Do you have a regular tournament that you
9 fish?

10 A. I wouldn't say a regular tournament. I have a
11 couple of clubs that I fish with every year.

12 Q. What are the name of your clubs?

13 A. I can't remember the one. They just changed the
14 name of one of them. It was like the Redneck Bass Club
15 or something like that. The other one is Four Way.

16 Q. Four Way?

17 A. Out of Arkadelphia.

18 Q. Okay. Where did you grow up?

19 A. I grew up in Hope, Arkansas.

20 Q. Hempstead County?

21 A. Yes, sir.

22 Q. And did you graduate from Hope High?

23 A. I did.

24 Q. What year?

25 A. '97 I'm wanting to say.

1 Q. After you graduated, where -- what did you do?

2 A. I went to school in Jonesboro at ASU for a
3 semester.

4 Q. Were you studying anything in particular?

5 A. No, sir.

6 Q. Where did you go after the semester at ASU?

7 A. Moved to Little Rock.

8 Q. And were you working or schooling?

9 A. Mostly work.

10 Q. Where were you working?

11 A. Oh, I think we were -- I worked at Lone Star
12 Steakhouse, North Little Rock.

13 Q. Were you a server or cook?

14 A. No, sir. Yeah, just a cook.

15 Q. And how long did you work at Lone Star?

16 A. I don't recall.

17 Q. Okay. What was your -- did you go back to school
18 or what was the next big -- did you go to a different
19 job? What was your next big event?

20 A. Moved to Conway.

21 Q. Okay.

22 A. Started just taking some IT classes on the side
23 while working.

24 Q. Where did you work while at Conway?

25 A. Just restaurants here and there.

1 Q. Same kind of thing, cook?

2 A. Correct. Well, no, I went to waiting tables.

3 Q. All right.

4 A. So I was a server.

5 Q. And you said you were taking some IT classes while
6 you were waiting tables?

7 A. Correct.

8 Q. And did you take them at UCA?

9 A. No.

10 Q. Where did you take them?

11 A. These were actually back with -- whenever they had
12 the Staffmark training for Microsoft certified
13 professionals.

14 Q. And did you get some sort of certificate or license
15 from all -- from the classes?

16 A. It -- it was, but it was many years ago. So I
17 don't have those or recall exactly what it was.

18 Q. So what happened to you professionally after the IT
19 jobs and the waiting tables? What did you do next?

20 A. We moved back to Little Rock. I started working
21 for Alltel.

22 Q. And at this point had you married your wife,
23 Teresa?

24 A. No.

25 Q. Were you dating Teresa?

1 A. Yes.

2 Q. And where did you move in Little Rock?

3 A. I don't recall exactly. I'm wanting to say we

4 lived off of North University.

5 Q. And you said you went to work for Alltel?

6 A. Alltel.

7 Q. What was your job with Alltel?

8 A. Application support.

9 Q. What -- what did that do? What did you do?

10 A. We just supported point of sale system actually is

11 what it was.

12 Q. Meaning supporting in like a technical way, IT way?

13 A. Correct.

14 Q. And how long did you have that job roughly?

15 A. Two, three years.

16 Q. What did you do next?

17 A. Moved to the current company I'm with which is FIS.

18 Q. And what is FIS?

19 A. Fidelity Information Services. We are a -- I'm

20 trying to find the best way to say it. It's financial

21 services. We provide technology for banks, back end

22 banking, multitude of things.

23 Q. And so about when -- do you remember what year you

24 would have started for -- with Fidelity?

25 A. 2003 maybe.

1 Q. And you're still with that company?

2 A. I am.

3 Q. What's your current job position?

4 A. I am a IT security analyst.

5 Q. And you've been working in Little Rock from -- for
6 FIS from 2003 to the present?

7 A. Correct.

8 Q. Where's their office?

9 A. 4001 Rodney Parham.

10 Q. Is that right on the corner of Highway 10 and --

11 A. Correct.

12 Q. Other than the semester at ASU and your Staffmark
13 training, did you ever have any other higher education
14 training?

15 A. No, sir.

16 Q. Do you hold any kind of licensures or certificates?

17 A. No, sir.

18 Q. Any military service?

19 A. No, sir.

20 Q. Any other wives other than Teresa?

21 A. No, sir.

22 Q. You have one child, Tate; right?

23 A. Correct.

24 Q. Any other children?

25 A. No, sir.

1 Q. Any relatives in Faulkner County that live there?

2 A. Currently in Faulkner County?

3 Q. Yes.

4 A. I think I have a cousin that lives in Faulkner
5 County.

6 Q. What's your cousin's name?

7 A. Her first name is Brittany. It use to be Garner.
8 I'm not exactly sure what her last name is now.

9 Q. If we go to trial and you see Brittany in the jury
10 pool, will you let us know?

11 A. Yes.

12 MR. JOHNSON: At the beginning of the
13 trial.

14 MR. IRBY: Right, before the case.

15 MR. BULLARD: At the end.

16 BY MR. IRBY (CONT.):

17 Q. Have you -- other than this lawsuit, have you filed
18 any other lawsuits?

19 A. No, sir.

20 Q. Have you ever had a injury at work that caused you
21 to file a Workers' Comp claim?

22 A. Not that I recall.

23 Q. Ever filed for bankruptcy?

24 A. No.

25 Q. You've already told me you've never given another

1 deposition or trial testimony; is that right?

2 A. Correct.

3 Q. Do you have any -- have you ever been arrested or
4 convicted of a felony or anything?

5 A. No, sir.

6 Q. What would you -- how would -- how would you
7 describe your current health?

8 A. Fine.

9 Q. Any complaints?

10 A. No. Growing old, that's about it.

11 Q. Can't jump as high as you use to, that sort of --

12 A. Right.

13 Q. Can't run as fast.

14 Your wife I know saw Thomas Moore, that was her
15 family doctor.

16 A. Okay.

17 Q. Did -- who -- who do you consider your family
18 doctor to be?

19 A. Daniel Felton.

20 Q. He works -- does he work at the same outfit as
21 Dr. Moore?

22 A. Same name, different location.

23 Q. And you've been going to Dr. Felton for a while; is
24 that right?

25 A. Yes, sir.

1 Q. Your wife mentioned that at one point at least your
2 mom lived in Faulkner County?

3 A. Correct.

4 Q. I think it was out farther west than you all lived
5 in Mayflower; is that right?

6 A. Yes, sir.

7 Q. And where does she live now?

8 A. She lives in Benton. I'm sorry. She lives in
9 Bryant.

10 Q. Yeah. Some of those folks are particular about
11 whether they're from --

12 A. Right.

13 Q. -- Benton or Bryant down there; right?

14 So tell me about March 29th, 2013. Do you remember
15 that was -- you may or may not remember, that was the
16 actual day of the oil spill. What is your earliest
17 recollection of finding out anything about the spill?

18 A. On my way home.

19 Q. From work?

20 A. Correct.

21 On my way home from work, it was before I got to
22 the Mayflower exit, I would say a couple of miles, and I
23 noticed the smell, a very pungent smell, overpowering.
24 By the time I had got off at the Mayflower exit, I -- I
25 had already had a headache, and I just was like -- I had

1 no idea where it was coming from.

2 Then we get off -- I get off at the Mayflower exit,
3 head -- what is that, 365. By the time I get to the
4 grocery store there, there are -- it looked like road
5 crews, but it wasn't road crew. They were standing at
6 a -- I guess like a little bridge where water would go
7 under the road, and by that time you could tell that
8 there was -- there was a black substance coming, and the
9 smell by that time was just to the point that you were
10 nauseated. I had no idea what was still going on at the
11 time.

12 Drove on home. Got home. I remember I called my
13 wife, and I was like something -- something happened. I
14 was like there's something happened here. It was like
15 when you get -- when you get home, we're going to have
16 to -- we're going to have to leave because the smell here
17 is just horrendous, and she didn't understand what I was
18 saying because she didn't know what happened. We didn't
19 find out for a little while that something had happened,
20 so --

21 Q. Okay.

22 A. -- that was the beginning of that day.

23 Q. Okay. You said as you were approaching Mayflower.
24 I assume you were coming north on -- or I guess west on
25 40?

1 A. Correct.

2 Q. And you were coming from your office at FIS?

3 A. Correct.

4 Q. And what time did you -- did you leave a normal
5 time on that Friday?

6 A. Fridays we would take out a little bit early maybe.

7 Q. So what would -- what would that be? What's your
8 best guess?

9 A. It could have been anywhere from three to five
10 o'clock. I'm not --

11 Q. Okay.

12 A. I'm not exactly certain of the time.

13 Q. Sometime late afternoon you would have left work?

14 A. If I would have called Teresa, I know it would have
15 been before five because usually -- if it was five, we
16 would have both been leaving at about the same time,
17 so --

18 Q. Gotcha. You probably left a little before five you
19 think?

20 A. Correct.

21 Q. And you get, I think you said, a mile or two
22 outside of Mayflower and that's when you first smelled
23 something wrong?

24 A. Right.

25 Q. And I assume as you approached Mayflower, the smell

1 got more intense. Is that accurate to say?

2 A. Yes, that's accurate.

3 Q. And you take the Mayflower exit. Was there any
4 kind of road crews or people stopping your progress as
5 you took the Mayflower exit that day?

6 A. Not at that time.

7 Q. And you get up to -- I don't know, 89, I guess, and
8 you take a left to get home. Is that -- off the exit
9 ramp?

10 A. 360 -- is that 365?

11 Q. I'm talking about just immediately off the exit
12 ramp before you go over the overpass.

13 A. Yes, that's 89.

14 Q. That's 89?

15 A. Correct.

16 Q. So you come up there and you took a left and got
17 over the overpass?

18 A. Correct.

19 Q. Did you notice any road crews in -- in the area
20 before you went over the overpass at that time?

21 A. There were no road crews at -- at that location,
22 no.

23 Q. You were smelling something, but other than
24 smelling something, there was nothing else that looked
25 different at that location?

1 A. At that location, no.

2 Q. And so then you cross over the overpass and you --
3 there's, I think, another stoplight or stop sign there on
4 365?

5 A. Right next to the gas station.

6 Q. Yes, that --

7 A. Correct.

8 Q. -- little gas station.

9 A. Correct.

10 Q. And at that point was there -- could you see any
11 road crews or foreign black substance or anything like
12 that?

13 A. I wasn't paying attention at that time --

14 Q. Sure.

15 A. -- to know, so I -- I would say no, but I'm not 100
16 percent on that.

17 Q. And then you turn left on 365, and as you travel, I
18 guess, southeast on 365 --

19 A. Correct.

20 Q. -- there's that Harp's grocery store and the little
21 strip mall right there?

22 A. Correct. What --

23 Q. And that's -- I'm sorry. Go ahead.

24 A. What use to be Big Star.

25 Q. Big Star, right.

1 A. Correct.

2 Q. And -- and that's where you saw what you looked --
3 what looked like to you to be some road crews?

4 A. Correct.

5 Q. And then when you crossed the little bridge right
6 there, you were able to look down and see some black
7 substance in the ditch?

8 A. Correct.

9 Q. Did you -- did you stop or look at it closely or
10 just kind of look at it as you're driving by?

11 A. I looked at it. It looked like they had like a
12 little backhoe or something trying to block it up.

13 Q. There were some workers down in the ditch?

14 A. Correct.

15 Q. And did you stop your vehicle or did you slowly
16 drive by?

17 A. Traffic was going slow, so I wouldn't say that it
18 was to a complete stop, but it was very slow.

19 Q. Were you -- did you see anybody or did you hear
20 anybody say anything or talking as you were going?

21 A. I did not have my windows down.

22 Q. And traffic is going slowly, and then you wind
23 up -- you go a little farther, I guess, southeast and
24 that's when you -- to get to your house, you turn right
25 on 89?

1 A. Correct.

2 Q. And when you've made that right at that
3 intersection, was there any road crews working or people
4 stopping your progress or anything like that?

5 A. Not that I recall.

6 Q. And did you just drive directly down 89 to your
7 house at that point?

8 A. I -- the best I can recall, yes.

9 Q. Okay. Nobody was blocking your -- your
10 neighborhood or anything like that?

11 A. Not at that time, no.

12 Q. So you get home and you call your wife, and you
13 told us about that discussion, something's going wrong,
14 something's -- you didn't know what was going on, but you
15 wanted her to get home so you -- and you all would need
16 to leave, is that --

17 A. Correct.

18 Q. And I assume she was on board with that idea?

19 A. I think she was confused to start because she
20 didn't know what I was talking about.

21 Q. Right.

22 A. Because at that time I didn't know that there had
23 been an oil leak, oil spill or anything. You just knew

24 there was something bad because the air was just so -- so

25 thick --

1 Q. Uh-huh.

2 A. -- that you couldn't -- it just felt like you
3 weren't breathing. It didn't feel like you were
4 breathing air. It was -- and she didn't understand what
5 I was trying to explain to her at the time, and I -- so I
6 was just trying to emphasize to her that when you get
7 home, we're going to have to leave.

8 Q. Okay. And do you recall when you called her, do
9 you remember whether she was traveling or whether she was
10 still at work, do you remember?

11 A. I don't recall.

12 Q. Was the -- was there -- you know, I know you told
13 me that you first smelled it a mile or two outside of
14 town. It gradually got stronger as you got closer to
15 Mayflower. Was it strongest over the bridge or could you
16 tell any difference from your home and from actually
17 sitting on top of the oil?

18 A. I would say when I came into town, I -- from my
19 perception, I think I got there just shortly after it
20 happened because from that point, it got much more
21 intense the longer in the day. So I think I got there
22 pretty shortly after it first occurred.

23 Q. Okay.

24 A. Because I know from driving the interstate many
25 times coming in, that -- the intensity of the smell was

1 further out than when I first picked it up on that day
2 in.

3 Q. Okay. All right. So you're at your house. You
4 have the discussion with your wife. She comes home, I
5 assume, after the discussion?

6 A. Correct.

7 Q. In the -- between the time that she came home and
8 you got home, did you leave to go look around or anything
9 or did you stay in your house?

10 A. I stayed -- I stayed at my house.

11 Q. And did you, you know, flip on the TV, try to
12 figure out what was going on, Internet, anything like
13 that?

14 A. I think I talked to maybe a neighbor, and they --
15 they had said there may have been an oil spill at the
16 time. I think my neighbor had went up to the grocery
17 store maybe, I don't recall exactly, and he said that.
18 And then whenever -- so that kind of emphasized to me, it
19 was like, okay, we're going to -- we're really going to
20 have to get out of town.

21 Q. And do you remember who your -- the neighbor was
22 you talked to?

23 A. His name was Bryan Perugini.

24 Q. And was he your direct next door neighbor?

25 A. He wasn't direct next door. So where our house

1 sits, there would have been a house in between us and
2 him, but we were in a cul-de-sac, so --

3 Q. Other than visiting with Mr. Perugini, did you --
4 you know, do you remember turning on the news or looking
5 on the Internet or anything like that?

6 A. No, sir.

7 Q. Anything else you remember about the time before
8 your wife got home other than the discussion with Bryan
9 and just the smell you were experiencing?

10 A. Just how intense it got, just nauseating.
11 Physical -- I mean, just wanting to physically --
12 physically nauseous. And it -- just intensifying to the
13 point by the time I believe that we got out of the house,
14 I had a really bad headache.

15 Q. Okay. Smell -- I'm sorry.

16 A. Other than that, don't really recall.

17 Q. So your -- your recollection is that the smell was
18 getting stronger as you stayed in the house before your
19 wife got there. It was causing you nausea -- nausea, and
20 you had a bad headache?

21 A. Very bad, yes.

22 Q. And did you get -- did you vomit? Did you get
23 physically ill?

24 A. I don't recall.

25 Q. So your wife gets there. Tell me what happens.

1 What happens next, your best recollection?

2 A. We packed clothes for the weekend and we leave.

3 Q. And you all go -- go down, I think, to her mom and
4 dad's on Lake Hamilton in Hot Springs?

5 A. They don't live directly on Lake Hamilton, but,
6 yes, they live close to Lake Hamilton.

7 Q. Okay. And I asked her this, and she couldn't
8 remember. Do you remember whether you were planning to
9 go down that weekend to spend some of Easter weekend with
10 her?

11 A. Not -- not to my recollection.

12 Q. Okay. What about your mom? Did you have any
13 Easter plans?

14 A. I'm -- I do more of what my wife tells me to when
15 it comes -- I don't make -- I don't make those types of
16 plans. I -- in that -- on that day, I just knew that
17 we -- we had to leave.

18 Q. Yeah.

19 A. We couldn't stay there. If we were to stay there,
20 I would be afraid of what would --

21 Q. I understand. And I get your wife's plan. You
22 know, some people have big -- every Easter we go to my
23 mom's house, and then, you know, we have this big meal
24 and -- or everybody comes to our house. Was there
25 anything like that that you all did every Easter?

1 A. No.

2 Q. And you don't remember any particular plan to go to
3 her house or to go to your mom's house or have everybody
4 at your house for that particular --

5 A. No, sir, I don't recall.

6 Q. So you all pack up, you go to spend the weekend
7 in -- in Hot Springs with your wife's folks; right?

8 A. Correct.

9 Q. And do you come back on Sunday?

10 A. Yes, sir.

11 Q. And tell me what you remember about coming back
12 that Sunday.

13 A. Just the smell was overwhelming. The amount of
14 people had increased. You couldn't go to certain areas.
15 So if you wanted to try to go find out what happened
16 or -- there -- there were people blocking access. Not
17 necessarily police or highway or state troopers, but I --
18 I don't know who -- who was blocking, but there were
19 people that wouldn't let you in certain areas.

20 Q. What areas -- was this Sunday when you all came
21 back you tried to see what was going on?

22 A. Sunday afternoon, correct.

23 Q. So when you came into town, did you come up I-40
24 just like you would normally do?

25 A. Correct.

1 Q. And you took the Mayflower exit; right?

2 A. Correct.

3 Q. And you were able to do that without being blocked,
4 I assume?

5 A. I don't recall.

6 Q. Okay. Do you remember -- do you remember being
7 blocked getting off on the exit that Sunday?

8 A. I wouldn't say I was blocked, but there was
9 definitely crews that would slow, impede your progress
10 from accessing Grassy Lake or just trying to access that
11 ditch that was next to what was Big Star.

12 Q. Okay. All right. So -- so you take the exit. You
13 go over the overpass. You get into town and do you all
14 just try to see what was going on and drive around town?

15 A. I believe at that time we tried to go home, so we
16 go home, unload our stuff, and then try to see -- I mean,
17 because it's -- the smell is overwhelming. You just want
18 to -- you want to know why and where it's coming from
19 because by that time, we still don't have a good idea of
20 what exactly took place.

21 Q. Had you all been watching the news or, you know,
22 been on the Internet?

23 A. I'm sure Teresa -- Teresa had. I don't -- I don't
24 particularly watch a lot of the news, so --

25 Q. Okay. Did you go -- do you remember what you did

1 that Easter weekend down with your in-laws? Does he
2 have -- did he have a boat? Do you all go fishing when
3 you go down there?

4 A. No, he does not.

5 Q. So you -- just so I can get a picture of, you know,
6 what access was blocked, do you remember which roads you
7 just weren't able to get -- did you try to like go into
8 Northwoods and couldn't get into that or --

9 A. They wouldn't even let you get down the road to get
10 to Northwoods. They would block that before you ever
11 even tried.

12 Q. Did you try to get in there or did you just see
13 there was people kind of blocking --

14 A. Oh, yeah, I tried to -- I tried to drive that
15 direction to see what -- what was going on because we had
16 friends -- I think she had a cousin that use to live
17 there. So we kind of wanted to see if that was close to
18 their old house that they had sold, but you couldn't even
19 get into the neighborhood. They would block -- they had
20 that blocked off well before there.

21 Q. Okay. Did somebody -- did you have like a
22 conversation with somebody that -- that said, sorry, you
23 can't go in unless you live here or do you remember
24 they -- I mean --

25 A. I don't recall.

1 Q. Okay. What else -- what else -- what other areas
2 did you try to go into that day that you weren't able to
3 get to?

4 A. If you tried to go down the access road that
5 parallels the interstate that would take you down to
6 Bell Slough, they had that blocked off. That was
7 blockaded.

8 Q. You're talking about down -- that use to go by the
9 rock yard -- there's like a rock yard and --

10 A. Correct.

11 Q. -- by the old Mayflower RV site?

12 A. Correct.

13 Q. Down that road?

14 A. Correct. So they had that blockaded.

15 Q. Did you ever try to go down there?

16 A. No. I mean, you see police cars blocking the road,
17 you don't -- you don't try to go poke the bear.

18 Q. What about -- what other places that you wanted --
19 what places that you tried to get to did you actually get
20 turned away from?

21 A. I -- I don't recall.

22 Q. So you all stayed the night at Chardonnay Cove,
23 your house there in Mayflower that Sunday; right?

24 A. Correct.

25 Q. And was -- you could still smell the oil?

1 A. Oh, overwhelming.

2 Q. And do you recall it being better, worse, the same
3 as it was the first day that you experienced it?

4 A. I would say much of the same.

5 Q. And did you have -- I mean, were you still
6 experiencing headaches or nausea or anything at this
7 point Sunday?

8 A. Yes, the -- you would have headaches. You -- it
9 would make you dizzy. I would wake up at nights with
10 nose -- nose bleeds, middle of the night. You'd have
11 trouble going to sleep the smell was so bad. You'd wake
12 up in the middle of the night. I woke up many times with
13 just nose -- nose bleeds, things of that nature. You'd
14 wake up with headaches. You'd wake up feeling just
15 fatigued.

16 Q. Okay. The next day was a -- that's your -- that's
17 how you recall -- how many days do you remember the smell
18 being just exactly as intense as it was the day of the
19 incident? How long did that go on?

20 A. There would -- there were too many. They just
21 start to run together. You wouldn't be able to put a
22 start and stop on it. It was a very long time I would
23 say.

24 Q. Can you give me -- you know, it happened on
25 March 29th. So let's just take it -- take a -- was --

1 was a week later exactly the same as it was the day it
2 happened?

3 A. I don't recall. I would say a week. Yes, it was
4 still very, very potent.

5 Q. What about -- what about two weeks?

6 A. Yes. I would say it was probably still very
7 potent.

8 Q. The same or was it diminishing?

9 A. I would -- I would go a month and it was still
10 overpowering.

11 Q. So a month after the spill, your recollection is
12 that the odor was still just as strong as it was the day
13 it happened?

14 A. I would say sure.

15 Q. Okay.

16 A. I'm not an expert to be able to say. I know levels
17 have changed, but, yes, it was very strong for a long
18 time.

19 Q. And what about -- what about two months later?

20 A. I would say it probably wasn't as strong as the
21 first day or the first couple of days, but also depending
22 on the weather, I mean, it would change.

23 Q. Uh-huh.

24 A. I don't know exactly when it -- when it would --
25 when it lessened or when it would be more. I would --

1 I'm sure over time it -- it gradually goes -- lessens,
2 but it doesn't ever just go away. It's not to the point
3 that it chokes you, but it's still there.

4 Q. So you all moved in November -- or September,
5 roughly, 2014. Does that sound about right?

6 A. Sounds about right.

7 Q. All right. So is it -- are you saying -- just so
8 I -- I'm just trying to get an understanding of what -- I
9 wasn't -- I wasn't on Chardonnay Cove, so I can't -- you
10 know, I don't know what you experienced.

11 A. That's fine.

12 Q. So I'm just trying to get a handle on it.

13 So in September, 2014, was the smell still there
14 every day such that it was causing you headaches, nausea,
15 problems?

16 A. In September of 2014?

17 Q. Yes.

18 A. I don't really recall. Certain days I'm sure that
19 you could smell it, not to the point that it was the day
20 that it happened, but there would still be lingering --
21 yes, you could still -- I would say probably -- yes.

22 Q. Was it still causing you headaches and nausea and
23 that sort of thing?

24 A. I don't recall at that time.

25 Q. What about -- let's just -- so let's say at the end

1 of the summer, so this would have been three months after
2 the spill, do you recall the smell being such that you
3 were still having difficulty sleeping, headaches, nausea,
4 that sort of thing?

5 A. Yes.

6 Q. What about that winter, December, 2013, so it's
7 been six months later?

8 A. I would still have headaches, still wake up with
9 nose bleeds, still have trouble sleeping, not getting a
10 full night's sleep.

11 Q. What about a year later?

12 A. I -- I don't recall. I would say probably still --
13 still getting not a full night's sleep, nose bleeds. I
14 remember the nose bleeds going for a while. I don't
15 remember exactly how long. So I really couldn't put a
16 timeframe on that or a length of time.

17 Q. Did you -- did you ever go see any medical care
18 provider for these headaches that you were experiencing
19 over all these months?

20 A. No, sir.

21 Q. Did you ever go see a medical care provider about
22 any of these nose bleeds that you had for these period of
23 months?

24 A. No, sir.

25 Q. Did you ever go see a medical care provider for the

1 nausea that you would experience?

2 A. No, sir.

3 Q. Did you take any medication to help you through the
4 nausea or the --

5 A. I would -- over the counter.

6 Q. What did you take for nausea?

7 A. I don't recall.

8 Q. How often did you take medicine for nausea past
9 that year that would be brought on by the oil smell?

10 A. I don't recall the exact number of times.

11 Q. Do you remember how many times you had to go get a
12 new bottle of medicine or anything like that?

13 A. I don't -- I don't recall.

14 Q. What about -- what about headaches? When you got a
15 headache that you felt was brought on by the oil smell,
16 did you take any kind of medicine?

17 A. Aleve, Tylenol, Advil.

18 Q. How often do you think that the headache was severe
19 enough that you would have to take medicine?

20 A. Pretty often. I do -- I would probably take an
21 Aleve or a Tylenol or Advil every day, two -- two to
22 four.

23 Q. How long did that go on?

24 A. I don't -- I don't exactly recall.

25 Q. Where you were taking two to four Aleves or Advils

1 a day?

2 A. Well, like you take, what, two Aleve a day. One's
3 suppose to last 12 hours.

4 Q. Right.

5 A. Commercial for Aleve here. Advil a little bit
6 more, depending on what we would have at the time.

7 Q. Do you remember how often this was a regular part
8 of your life to deal with these headaches?

9 A. To deal with the headaches?

10 Q. That you felt were brought on by the oil spill.

11 A. Well, there -- I would say it'd probably be pretty
12 regular for a couple of months I know. After that, I
13 don't -- I don't really recall.

14 I can say that -- I would know that when we would
15 leave to try to get away, because we would leave for the
16 weekend just to try to get away, the headaches would
17 subside, and then whenever we would come back, of course,
18 they would -- you would -- you would get them sometimes
19 bad, sometimes not as bad.

20 Q. Where did you go when you would get away?

21 A. Any -- I mean, we would to go Teresa's parents,
22 just trips for the weekend to her sister's.

23 Q. Where's her sister live?

24 A. Memphis.

25 Q. And today I assume you don't have headaches that

1 you still relate to the oil spill?

2 A. I do not, no.

3 Q. Or nausea that you relate to the oil spill?

4 A. No, sir.

5 Q. I want to go over a couple of the medical records
6 from right after -- that we do have for you from right
7 after the oil spill.

8 You -- you had your doctor at -- was Dr. Felton
9 over at Little Rock Family Practice?

10 A. Correct.

11 Q. Different -- he was at Rodney Parham and your wife
12 went to the one on North University?

13 A. Correct.

14 Q. And you -- you had gone to him long enough, I
15 guess, that you could actually call him up and ask for a
16 prescription for something that -- that was giving you
17 trouble; is that true?

18 A. No.

19 (Exhibit 7 was marked.)

20 BY MR. IRBY (CONT.):

21 Q. Let me show you what I'll mark as Exhibit Number 7.

22 MR. IRBY: Rob, I just figured for the
23 Bullards, we'd continue --

24 MR. POINTER: Numbering.

25 MR. IRBY: -- with numbering on.

1 MR. POINTER: That's fine.

2 BY MR. IRBY (CONT.):

3 Q. So your -- we had six documents with your wife, so
4 you're starting with number seven. Take -- take a second
5 to read that over.

6 A. Okay.

7 Q. So this is a -- this is a medical record for
8 Craig A. Bullard. That's you; right?

9 A. Correct.

10 Q. And it's dated June 24, 2013; is that right?

11 A. Correct.

12 Q. And it's -- that was probably, let's see, April,
13 May, three months -- two months -- about three months
14 after the oil spill? I think it was March, March 29.
15 Roughly three months after. Am I adding that right or is
16 it two months?

17 A. That would be date six, what is that, June?

18 Q. Yeah. It's about three months, not quite three
19 months.

20 A. Okay.

21 Q. And you had it -- you had a condition of a restless
22 leg syndrome back then; is that right?

23 A. Correct.

24 Q. Do you still have that --

25 A. Correct.

1 Q. -- issue?

2 Do you still take prescriptions for it?

3 A. Correct.

4 Q. And it says that -- you see the caller, it says --
5 underneath the caller name, self and work. Do you see
6 that?

7 A. Correct.

8 Q. Were one of those phone numbers your cell phone or
9 work number or your wife's?

10 A. The self is my cell phone number.

11 Q. Okay. What's the work number? Is that your work
12 number?

13 A. 680, that might have been our old house phone
14 number.

15 Q. Okay. It says, patient needs prescription refilled
16 for restless legs, and the scheduler lady said maybe
17 nurse could refill it.

18 A. Okay.

19 Q. Please call back. Do you see that?

20 A. Yes.

21 Q. So, occasionally, you would call up to see if you
22 could get a new prescription for your restless leg or
23 something like that?

24 MR. POINTER: Object to the form. You can
25 answer.

1 MR. BULLARD: I'm sorry?

2 MR. POINTER: You can answer. I'm just
3 objecting for the record.

4 MR. BULLARD: What it would be is if I
5 needed a refill --

6 BY MR. IRBY (CONT.):

7 Q. Uh-huh.

8 A. -- on my prescriptions, my doctor wants me to come
9 in for a physical --

10 Q. Okay.

11 A. -- before I get them refilled, and sometimes I
12 just -- I don't notice that the -- because he refills
13 them for a year at a time.

14 Q. Gotcha.

15 A. And if I didn't know that -- that the last
16 prescription had been refilled or the date had come that
17 they would want -- the pharmacy wouldn't refill it, so I
18 would have to call the doctor and say I need my
19 prescription refilled, and they would schedule me to come
20 in for a physical or something at that time.

21 Q. But that was what -- you would call your doctor in
22 that scenario if you had run out of medication or
23 something like that?

24 A. To set up a scheduled -- to try to get the
25 prescription refilled and to go ahead and schedule a

1 physical, so that way we could --

2 (Exhibit 8 was marked.)

3 BY MR. IRBY (CONT.):

4 Q. Okay. Let me show you what I'll mark as Exhibit 8
5 to your deposition, Mr. Bullard.

6 MR. IRBY: Here you go, Rob.

7 MR. POINTER: Thank you.

8 BY MR. IRBY (CONT.):

9 Q. This is -- tell me when you've had a chance to look
10 it over.

11 A. Okay.

12 Q. This is -- this may be the actual, I guess,
13 appointment that you had to refill your restless leg
14 syndrome medicine. Do you see underneath chief complaint
15 at the top?

16 A. (Nodding.)

17 Q. This is -- just from the beginning, let's start.
18 This is another one of your records. It says Craig A.
19 Bullard at the top; right?

20 A. Correct.

21 Q. And has encounter date July 10, 2013. Do you see
22 that?

23 A. Correct.

24 Q. So now we're a little over three months from the
25 oil spill; is that right?

1 A. Sure.

2 Q. Okay. It says chief complaint, PE. I think that
3 may be physical exam, but --

4 A. Okay.

5 Q. Then it says RLS med refill, which I think is your
6 restless leg; right?

7 A. Correct.

8 Q. Patient form sign, last physical here was 2011.
9 Patient states he has had a physical somewhere else. Do
10 you see that?

11 A. Yes, sir.

12 Q. Do you remember who -- where else you would have
13 gotten a physical?

14 A. Yes, sir.

15 Q. Where was that?

16 A. It would have been at -- it could have been at a --
17 I don't know what you would name the doctor. What is it,
18 a proctologist?

19 Q. Uh-huh.

20 A. Or it could have been somewhere. I don't recall
21 exactly where, but that might be what they're -- what
22 they're looking at.

23 Q. Okay. And under HPI, it's history of present
24 illness. It has history of RLS, which I think is your
25 restless leg?

1 A. Correct.

2 Q. And takes meds and otherwise no concerns; is that
3 right?

4 MR. POINTER: Object to the form. You can
5 answer.

6 MR. BULLARD: Sure.

7 BY MR. IRBY (CONT.):

8 Q. Okay. So, I mean, when you went to see, I guess,
9 your doctor three months or so after the -- the oil
10 spill, you reported that you had no health concerns to
11 your doctor?

12 MR. POINTER: Object to the form. You can
13 answer.

14 MR. BULLARD: I honestly don't recall the
15 exact conversation with him. So --

16 BY MR. IRBY (CONT.):

17 Q. Do you remember reporting these periodic nose
18 bleeds that you had to your doctor?

19 A. No.

20 Q. Did you report these headaches that you've talked
21 about to your doctor at this visit three months after the
22 oil spill?

23 A. Not specifically, but when I go to the doctor, I
24 don't try to sit in there and -- I try to go in and get
25 out as fast as I can. I don't -- I wouldn't say that I

1 enjoy going to the doctor. It's one of those that if
2 I -- if I have to, I'll go. Other than that, I try to
3 not go to the doctor.

4 Q. And you didn't report any of the periodic nausea
5 that you were experiencing to your doctor in July of
6 2013?

7 A. Not that I recall.

8 Q. It lists you as -- your personal history. First, I
9 guess, it has active problems. The only active problem
10 is the restless leg syndrome; right?

11 A. Correct.

12 Q. Your personal history, social drinker. Was that
13 true at the time?

14 A. I drink every now and then.

15 Q. Every day smoker, half a pack a day?

16 A. At that time it might have been, sure.

17 Q. Works full time at Fidelity. That was accurate, I
18 guess?

19 A. It's pretty accurate.

20 Q. And if you look at the assessment at the back page,
21 there's a back page, and there's the doctor's assessment.
22 Right under there, normal routine history and physical
23 adult. Do you see that, sir?

24 A. Yes.

25 Q. And then has your restless leg syndrome assessed?

1 A. Correct.

2 Q. And your -- if you look under signature, that's
3 electronically signed by Dr. Felton. Do you see that,
4 sir?

5 A. I do see that.

6 Q. Were you ever -- I don't believe -- did the
7 authorities ever come and evacuate you from your house?

8 A. No, sir.

9 Q. Was there -- did you ever see anybody doing any
10 work on your -- in your neighborhood, you know, work that
11 you related to the oil spill?

12 A. Other than the two gentlemen that visited my house
13 asking questions.

14 Q. Other than those two gentlemen, did you see anybody
15 doing any work?

16 A. Not that I recall.

17 Q. Did you ever with your eyes see any oil in your
18 neighborhood?

19 A. Visibly see the oil?

20 Q. Yes.

21 A. Not that I specifically recall, no.

22 Q. Do you remember visibly with your eyes seeing any
23 oil on your property?

24 A. Not that I specifically recall.

25 Q. Tell me about your interactions with -- from the

1 beginning to the end with anybody that you associate with
2 ExxonMobil. So, I guess, first time you ever talked to
3 anybody, did you ever call a claim line, anything like
4 that?

5 A. I believe I did. I did call the claim -- I don't
6 know if I called the claim line or if the two gentlemen
7 were just coming through the neighborhood. I really
8 don't recall. I know that the two gentlemen visited the
9 house, and we discussed that we had had the house for
10 sale before that. They had asked some information about
11 that. I believe they were asking us did we have any
12 other worries. I don't recall the exact conversation
13 that we had at that time. I do believe that other
14 concerns were brought up with them, and they were like --
15 they -- they tried to seem like they were on our side,
16 that they were -- that they were going to make things
17 right. That they -- that they said we'll make sure that
18 everything is taken care of, that things are okay. I
19 then didn't talk to them for a while, tried to call them.
20 They didn't call us back. By that time, I figured
21 there's no use in trying, that that was over and done
22 with.

23 Q. Okay. Let me -- let me -- other than this -- these
24 two people, was it two men?

25 A. Yes, sir.

1 Q. Other than these two men, do you remember any other
2 conversations that you had with anybody from ExxonMobil
3 or that you think may have been from ExxonMobil?

4 A. Not that I recall.

5 Q. All right. So these two gentlemen. Do you
6 remember what timeframe this would be when they came out?

7 A. I would say this was probably within the first two
8 weeks.

9 Q. And did you -- did you call somebody to ask them to
10 come out or did they just knock on your door one day or
11 was this a scheduled appointment?

12 A. Honestly, I don't recall. I know that they did
13 give me a card, and I tried to call them back with the
14 number on the card, and it would just go to voice mail,
15 just to touch base with them, and we never -- I never got
16 a call back from them.

17 Q. Did you leave a voice mail?

18 A. Don't recall. I'm not a big voice mail man. I
19 would much rather talk to somebody. I'm not -- I don't
20 like leaving messages.

21 Q. So these two folks come out that you believe were
22 ExxonMobil. They give you a card; is that right?

23 A. Correct.

24 Q. Do you still have the card?

25 A. I -- I would have to check with my wife. I

1 don't -- I know I personally don't have it, so --

2 Q. Do you remember either of their names?

3 A. No. I know that they were not from here. They
4 were not local. I do recall that.

5 Q. Meaning -- meaning from a different state or
6 different country?

7 A. Yeah, I believe they were from a different state.

8 Q. Okay. So you have the conversation with them. You
9 bring up -- you remember bringing up the property value
10 situation; is that right?

11 A. Correct.

12 Q. Because you had tried to sell your property before
13 the spill, and you were considering sell it after; is
14 that right?

15 A. No. I wouldn't say that we had considered selling
16 it after because I didn't -- there -- there was -- in my
17 mind, there was no way we were going to sell that house.
18 Nobody was going to want to buy a house in that
19 neighborhood at that time. So there was no use in
20 trying. Beforehand, yes, we were -- we were trying to
21 sell the house because we were wanting to build another
22 house in that same area, just a little bit further down
23 the road.

24 Q. Down 89?

25 A. Still -- yeah, still within the Mayflower area.

1 Q. Okay.

2 A. We just -- we were looking at that possibility.

3 Q. So you had the discussion with them to talk about
4 your concerns about the property value; is that right?

5 A. And I would say not just property value, just
6 concerns in general, because that was -- any time oil is
7 concerned, it's something to be worried about in my mind,
8 especially a spill of that caliber, so --

9 Q. Do you remember specifically visiting about other
10 concerns with these gentlemen?

11 A. I -- honestly, I don't recall specifics. I'm sure
12 my wife talked to them about things. I talked to them
13 about things. What exactly we covered, I'm not aware of.
14 I would imagine that health care would be one, long term
15 effects, what exactly was it that we were looking at. I
16 do recall we would ask questions and we wouldn't get
17 direct answers or you'd get an answer, and then a week
18 later the reports that they would give to the media would
19 be different.

20 Q. Okay. What question did you ask of these two folks
21 that you remember not getting a direct answer to?

22 A. What exactly -- what was the scale that we were
23 looking at, I believe.

24 Q. What was the scale of the spill?

25 A. Correct.

1 Q. Okay. What did they say?

2 A. I honestly don't recall.

3 Q. What other questions did you ask them that you
4 didn't get a direct answer to?

5 A. I honestly don't recall.

6 Q. What did they tell you about the home valuation
7 concern that you had?

8 A. They said I definitely had a claim.

9 Q. And what did they say you needed to do to make a
10 claim?

11 A. They said they would be back in touch with me.

12 Q. Okay. Do you remember any -- I think -- I think
13 you said you don't, but do you remember you having a
14 conversation with them where you asked them about health
15 concerns?

16 A. I'm sure it came up between them and us.

17 Q. Why are you sure it came up?

18 A. I mean, it would be something that any time there
19 is an oil spill around you, I would think that would be
20 one of your main concerns was health issues. So if
21 they're going to be there asking us questions, I'm sure
22 that would have came up at some point in time.

23 Q. But you don't remember any of the specifics?

24 A. Don't recall specifics.

25 Q. Or what they would have said?

1 A. No, sir.

2 Q. What about, you know, the odor? Did you -- do you
3 remember having a conversation with them about any odor
4 issues?

5 A. Like I said, I don't recall specifics.

6 Q. So was that -- do you remember anything else about
7 the conversation that we haven't discussed?

8 A. Not off the top of my head.

9 Q. Okay. And then you said at some point you tried to
10 call the -- so did both of them give you a card or just
11 one of them?

12 A. I believe it was just one gentleman.

13 Q. Okay.

14 A. I don't know if they both handed me a card. I
15 don't recall. I do recall seeing it on -- on the
16 refrigerator from time to time, and so I just recall the
17 one card.

18 Q. And did you say that when you called it, it just
19 went straight to voice mail?

20 A. I honestly don't -- don't remember. I do -- I know
21 that I tried to contact them and was -- never get
22 through. Exactly what took place, I don't -- don't
23 remember exactly.

24 Q. But you don't remember ever leaving a message?

25 A. Like I say, I can't -- I don't recall if I did

1 leave a message. If I didn't -- I'm not a big fan of
2 leaving voice mail, so I could have, I could not have. I
3 don't -- I don't know.

4 Q. Did you -- did you call them once or twice or --

5 A. No, it would have been -- I'm sure it would have
6 been multiple times, and then once you get to where you
7 don't get a call back, you just -- you understand the
8 point. It's -- they don't want to talk to you.

9 Q. Well, I mean, if you never left them a message, how
10 would they know who you were?

11 A. Well, I mean, if you call 50 times and nobody
12 answers.

13 Q. So you don't remember ever leaving a message?

14 A. I don't recall.

15 Q. And regardless, you never had another conversation
16 with either of these folks?

17 A. No.

18 Q. Did you ever go to any of these town hall meetings
19 that they had?

20 A. I went to one. I believe it was in -- they had it
21 in Maumelle, but it turned out to be for -- it was just
22 a -- it was just a collection of attorneys. So it
23 really -- they made it look like it was a town hall, but
24 it was not a town hall. And I just attended that. Once
25 I found out what that was, I -- I left.

1 Q. Okay.

2 A. I mean, they weren't really doing a good job of --
3 I have a busy work schedule, and I don't watch the news a
4 lot. There was not a big forum within Mayflower for --
5 to say, hey, we're having a town hall this day. So it --
6 it's not -- it wasn't something that was well publicized
7 to say if you want to voice your concerns or you want to
8 hear stuff, come here at this time to talk to us. So I
9 was not aware of any of the town halls, and what I did
10 see, like I said, was the one that I did try to attend
11 and it turned out it was just a group of attorneys that
12 wanted to try to sign people up and I wasn't --

13 Q. Okay.

14 A. I wasn't interested in that at that time.

15 Q. So the only -- only kind of town hall that you went
16 to was not one put on by ExxonMobil?

17 A. Correct.

18 Q. It was put on by folks, attorneys, trying to
19 represent people in lawsuits against Exxon?

20 A. Correct. And they had tried to make it look like
21 it was a town hall, but it really was not a town hall,
22 so --

23 Q. Do you remember which attorneys they were?

24 A. I do not recall.

25 Q. Do you remember what time this was, what timeframe

1 within the spill that you went to this?

2 A. I'm sure it was pretty close proximity to the
3 timeframe. I don't recall specific dates.

4 Q. Or where it was held?

5 A. It was held in a -- the hotel there in Maumelle. I
6 don't recall the name.

7 Q. One of the ones right off the Maumelle exit?

8 A. I -- I'm wanting to say it was closer to the
9 Walmart, the one down there.

10 Q. That one -- the new one right across from the
11 Walmart on Maumelle Boulevard?

12 A. Sure, yeah.

13 Q. All right. Let me ask you a few questions about
14 your house selling efforts, and you were kind enough to
15 bring in some of these -- some of these --

16 A. My wife keeps everything.

17 Q. That's -- that's a good -- good habit to be in and
18 one I'm not in unfortunately, so I appreciate that.

19 Let me just ask you about --

20 MR. IRBY: Do you have an extra copy of
21 these, Rob, that we can mark as an exhibit just
22 so --

23 MR. POINTER: Yeah, we can -- why don't
24 we --

25 MR. IRBY: We're not --

1 MR. POINTER: Why don't we use these for
2 exhibits?

3 MR. IRBY: Okay. Great.

4 BY MR. IRBY (CONT.):

5 Q. Let's just -- I'm just going to take them in time
6 order, okay, which I think the first one then will be
7 this one.

8 (Exhibit 9 was marked.)

9 BY MR. IRBY (CONT.):

10 Q. Exhibit 9.

11 All right. Mr. Bullard, take a -- take a look at
12 that and tell me when you're ready to answer a couple of
13 questions.

14 A. Go ahead and ask.

15 Q. This is a -- this is a settlement statement that
16 you all -- that you brought in with you today, which
17 appears to me to be kind of a summary of what you paid
18 for for your house there on Chardonnay Cove when you and
19 your wife bought it back in 2006; is that right?

20 A. Correct.

21 Q. And it has with it a number of other, you know,
22 kind of loan related information and that sort of thing;
23 right?

24 A. Correct.

25 Q. But if we look at number 401 under the summary of

1 the seller's transaction, it's contract sales price. Do
2 you see where I am, sir?

3 A. I do.

4 Q. 161,000, is that your -- does that square with your
5 recollection of what you bought the house for from
6 Perry's Enterprises back in '06?

7 A. Yes. I would say yes.

8 Q. Okay. Do you have any concerns or think that's not
9 correct?

10 A. Not with this price, no.

11 Q. That was the correct price?

12 A. Yes.

13 Q. And as I understand it, you all bought that house
14 new; right?

15 A. No, we had this house built.

16 Q. Okay. Did you -- so the Chardonnay Cove is in the
17 Vineyards Subdivision; right?

18 A. Correct.

19 Q. And it -- was 2006, was that when a lot of the
20 houses in the neighborhood were being built?

21 A. They had already been built.

22 Q. Okay. So this was -- most of the houses were built
23 and you all were building on an open lot there?

24 A. Correct.

25 Q. And then did you -- how did you find this builder?

1 A. My mother had already lived in Mayflower, and when
2 we were driving through, I noticed the subdivision. So I
3 called and asked if they do custom builds, and he said
4 yes. And I was like okay.

5 Q. And you all went out and, I guess, looked at some
6 of his work and --

7 A. We looked at some of the houses in the area. I
8 think there it was the -- the builders had the lots, so
9 it wasn't you pick the builder. It was the builder
10 already had the lot. So that was the builder that we
11 got.

12 Q. I see.

13 A. And I talked to him and asked him if he would be
14 interested in doing a custom build, and he said yeah,
15 so --

16 Q. And did you all have a -- where did you get your
17 floor plan, for instance?

18 A. I'm sure we got it off the Internet, just looking
19 at different house plan sites. So we had to get that and
20 give that to him. He had to adjust it for the lot and
21 all that.

22 Q. Gotcha. And then you all agreed on a price and a
23 final floor plan and went about building; right?

24 A. Correct.

25 Q. How long did it take to build your house?

1 A. I know it was finished in November, so --

2 Q. Okay. So that was '06; right?

3 A. Correct.

4 Q. And it looks like about four years later, you all
5 are looking to move from that house?

6 A. We found a -- another -- there were some empty lots
7 on a hill on 89, which as you know continued out west
8 on -- still within Mayflower, just outside of Mayflower.
9 Found some empty lots out there, was very interested. We
10 also found some lots on the hill right above the
11 Northwoods Subdivision. So we were going to test the
12 waters, and if we could sell the house, then we would
13 look at building a house in one of those two locations if
14 possible.

15 Q. Had you -- these lots were out there. Had you
16 entered into any kind of contract to buy a new lot?

17 A. No.

18 Q. Had you had any kind of preliminary discussions
19 with anybody about a new lot?

20 A. No.

21 Q. The plan was let's see what we can sell the house
22 for, and if we can sell it for what we want, we'll see if
23 we can get the new house built?

24 A. Correct, but still staying in the same area.

25 Q. Okay. So let me see, this is the next one. So it

1 looks like that you all had some contract negotiations
2 with a buyer in the course of trying to sell your house
3 in 2010; is that right?

4 A. Correct.

5 (Exhibit 10 was marked.)

6 BY MR. IRBY (CONT.):

7 Q. I mark Exhibit 10.

8 Is this the contract that you had with the folks
9 who were interested in buying the house at Chardonnay
10 Cove in 2010?

11 A. Correct.

12 Q. And flip over to the second page first. You had a
13 insurance -- not insurance. You had a real estate agent;
14 right?

15 A. Correct.

16 Q. Crye-Leike, it looks like maybe Jeannie Johnson and
17 Kim Burkes. Does that --

18 A. Correct.

19 Q. -- ring any bells to you? Is that --

20 A. Yeah, I know that we had Jeannie Johnson as a real
21 estate agent.

22 Q. Why do you know that?

23 A. Because that's -- that's a story in and of itself,
24 but we'll leave that for another day.

25 Q. Okay. All right. Well, Jeannie is your agent,

1 real estate agent; right?

2 A. Right.

3 Q. Did you all enter into a real estate brokerage
4 agreement where you agreed that you would pay her some
5 percentage of the sales price if she was able to sell the
6 house?

7 A. Whatever the standard would be.

8 Q. Do you remember if it was six percent or something?

9 A. Don't -- I don't recall.

10 Q. Whatever --

11 A. I think their -- their deals were if they sold the
12 house, it was a less percent. If another agent had sold
13 the house, it was a higher percentage because they -- but
14 the exact numbers I do not recall.

15 Q. You recall it just being standard in the industry?

16 A. Correct.

17 Q. And -- and she -- this contract would have been
18 sold while she was the agent. So Crye-Leike would have
19 received whatever their commission would have been?

20 A. Correct.

21 Q. And it looks like the person that was the buyer,
22 Scott Deaton, do you see that? Was that -- was that your
23 buyer?

24 A. I assume.

25 Q. No, that's the selling agent.

1 A. No, that's the agent. It would have been --

2 Q. The Foxes?

3 A. The Foxes, yes.

4 Q. They had an agent, so whatever the contract called
5 for, that person would have been paid some amount from
6 the sales proceeds?

7 A. Whatever the -- yeah. Whatever the contract called
8 for. Like I say, I don't recall what that was.

9 Q. All right. And it doesn't look like it was ever
10 signed by either you or them. Was there ever a signed
11 one?

12 A. I do believe there were, but I think they were all
13 done digitally.

14 Q. Okay.

15 A. And these were just the printed out copies of that.

16 Q. So you -- you think this was an actual executed
17 contract?

18 A. Oh, I -- I know this was an executed contract. The
19 buyer backed out about a week before the sale was final,
20 and by that time they had already put up the earnest
21 money and all that, and whenever they backed out due to
22 some other term, we -- the earnest money was given up and
23 everything. So, I mean, it was a full legal contract.

24 Q. You got the earnest money when they backed out?

25 A. Yeah, I do -- I think that's how it went.

1 Q. Okay.

2 A. But, I mean, it was -- it was down to -- all we
3 were waiting on was closing day.

4 Q. Gotcha. And there was -- and these were the
5 contract terms on the front page?

6 A. Yeah, this is just -- you know how you do a
7 negotiation back and forth. These were just kind of
8 those negotiation terms on what they wanted from us --

9 Q. Right.

10 A. -- and so on.

11 Q. But is it your recollection that this was -- this
12 was kind of the final terms?

13 A. I'm wanting to say this was the -- yeah, this was
14 the last one.

15 Q. Do you remember what you had it listed for?

16 A. 169 nine.

17 Q. That was the list price or sales price?

18 A. That was the actual list price.

19 Q. All right.

20 A. And just so we can -- I had the house listed for
21 one day or -- I would say less than a week.

22 Q. Okay. And you -- and then there was an agreement
23 by -- for you to pay five -- \$4500 of the seller's --

24 A. Correct.

25 Q. -- costs. So the 169 nine, then you also paid 4500

1 of their -- of their --

2 A. Correct.

3 Q. -- closing costs. It says 5,000, but I assume Jean
4 had agreed to give you a \$500 credit or whatever back, so
5 it was only \$4500 of your money?

6 A. Right, because she was going to say that -- I don't
7 recall the exact, but that's what that appears, correct,
8 is that maybe she decided to take some of the money out
9 of her profit and put it towards that.

10 Q. Right, trying to get the deal done?

11 A. I -- I guess.

12 Q. So did it -- I think your wife said that the buyer
13 backed out because of some sort of a retaining wall
14 issue?

15 A. He didn't like the retaining wall, that -- and that
16 was something the inspectors never said anything on. So
17 he didn't want to buy the house due to the retaining
18 wall. So we were like, well, that's not part of the
19 contract. Everything checks out. If you want to back
20 out, you can. That's fine.

21 Q. It will cost you a thousand bucks.

22 A. Well, it will cost you \$500 or whatever you put up
23 for your earnest money.

24 Q. Right.

25 A. But by that time the -- all the evaluations and

1 everything had been done. I'm wanting to say the home
2 actually -- what do you call that, an evaluation, is that
3 where they come out and do the price of your house?

4 Q. Appraisal?

5 A. Appraised. I'm wanting to say it appraised for
6 more than what we were trying to sell it for.

7 Q. Do you have a copy of the appraisal?

8 A. We don't get a copy of the appraisals. I think the
9 bank keeps -- the buyer would have that information. I
10 don't think that was provided to us.

11 Q. Do you remember what it actually appraised for?

12 A. Honestly, I don't. That would be -- have to be
13 something to go to the agency for. It would have to at
14 least appraised for what we asked for or the bank
15 wouldn't have allowed the sale.

16 Q. A lot of times they get it right on the number.

17 A. They'll try to. Well, I don't know. This was back
18 before the -- back before the crash, so --

19 Q. Right.

20 A. -- there's no telling what they allowed the
21 appraisal to be set at.

22 Q. So this guy backs out, you know, a week before. Do
23 you keep the house on the market?

24 A. No.

25 Well, I think we -- I think we kept it on the

1 market for the terms of whatever the contract was with
2 Crye-Leike. I think we had to do that just --

3 Q. And did you get anybody else who made any offers on
4 your house?

5 A. No, due -- just due to the fact that we weren't
6 very happy with the real estate agent that we had. So we
7 kind of were just kind of put off with the whole process.
8 It was just one of those things. It was like, huh. And
9 then when was that? What month was this? This was in
10 June?

11 Q. June, uh-huh.

12 A. I'm wanting to say just by chance has it, the
13 retaining wall, I think, fell a month later.

14 Q. Okay.

15 A. So I guess the guy had a good -- pretty good
16 foundation on what he said so -- anyway.

17 Q. So do you remember, was the house for sale still
18 under the agreement when the -- when the retaining wall
19 came down?

20 A. No, I believe by that time it had -- that we had
21 told -- I think by that time we told Crye-Leike we --
22 because we didn't want to sell with Crye-Leike. So it
23 was one of those where we wanted to end that
24 relationship, but since you already signed a contract
25 with them, you just can't go to somebody else. Well, in

1 that process, the retaining wall did fall and so no.

2 Q. So you all were -- this contract goes -- goes
3 through, but you're kind of playing out the string with
4 Crye-Leike, but you're not happy with Crye-Leike; right?

5 A. Right.

6 Q. And so you probably would have switched to a
7 different agent if you could have?

8 A. At that time?

9 Q. Right. Yeah, at that time.

10 A. Right, right, but like I said, the retaining wall
11 fell, so, you know, you're not going to be able to sell a
12 house with a retaining wall that collapsed in your
13 backyard, so --

14 Q. Sure. And so then during that process, the
15 retaining wall goes down and you have to get that fixed?

16 A. Correct.

17 Q. And that kind of stops your sales hopes?

18 A. Right.

19 Q. And do you remember when the -- was it -- was it
20 sometime that summer that the retaining wall went down?

21 A. It was not very far from that -- that day.

22 Q. From the day?

23 A. I can't -- I can't recall the exact timeframe, but
24 it wasn't a long time. I was like, wow, that guy kind
25 of --

1 Q. Dodged a bullet.

2 A. It was like, okay.

3 Q. Did you -- did you -- was that an insurance claim?

4 A. We did insure -- yeah, that was fixed with
5 insurance, correct.

6 Q. And did they put it back pretty much the way it was
7 before?

8 A. No, they put it back a lot better.

9 Q. Okay.

10 A. I mean, there was quite a bit of money and time put
11 in on that. I mean, it was -- it was nice.

12 Q. Yeah.

13 A. So --

14 Q. And how long did that retaining wall process,
15 building take?

16 A. A couple of months. I mean, from start to finish,
17 I would say -- I don't know the exact timeframe. I would
18 say it was a couple of months maybe for the insurance to
19 look at it, come out there and make up their mind whether
20 or not they were going to pay for it, get it paid for,
21 get it built.

22 Q. Was this during some big rain storm that the
23 retaining wall --

24 A. That's -- yeah, that's when we had the issue was
25 the big rain storm, correct.

1 Q. Did -- when the retaining wall came down, did it
2 cause any kind of flood waters to come into your house?

3 A. No. Not into my house, no.

4 Q. Into any garage or anything?

5 A. No.

6 Q. It was just all yard messed up, that sort of thing?

7 A. Yes.

8 (Exhibit 11 was marked.)

9 BY MR. IRBY (CONT.):

10 Q. All right. So the last entry is -- or the last one
11 is this one, Exhibit Number 11, and this, I believe,
12 is -- is the settlement statement -- find a good spot to
13 put this, so much writing -- of your sale of your house
14 in 2014. Is that accurate?

15 A. I mean, I would have to say yes because this is the
16 actual sales paperwork, so --

17 Q. Okay. This was -- you all sold this to Daniel
18 Allan Hudson; is that right?

19 A. Correct.

20 Q. And your wife told me, and just to confirm with
21 you, you didn't have a real estate agent when you sold it
22 this time; right?

23 A. Correct.

24 Q. Didn't go back to Crye-Leike?

25 A. No.

1 Q. Or anybody else; right?

2 A. No.

3 Q. And you put it on Zillow; is that right?

4 A. I believe that's what she did, correct.

5 Q. And what -- do you remember what you asked -- what
6 your asking price was on Zillow?

7 A. I don't remember the exact asking price. I know
8 that whatever we had asked for, he had agreed to. The --
9 when they did the -- when the bank had the appraisal
10 done, it did not appraise for that. So we could not sell
11 it for that. I think we got whatever the bank appraised
12 it for is what it sold at, so I guess that would be 162.

13 Q. Okay. Do you remember what the -- was it 165 or
14 169, do you remember?

15 A. I honestly don't recall.

16 Q. Okay. And do you -- do you have that appraisal?

17 A. Like I said, they don't -- they don't provide us
18 with those appraisals. I might have had a copy of it at
19 one time through E-mail. I'm sure that's gone.

20 Q. The lender was First Security Bank. Was that your
21 recollection?

22 A. That would have been his bank.

23 Q. Right, and that's the people that would have loaned
24 him the money; right?

25 A. Correct.

1 Q. 162 was what you wound up selling the house for;
2 right?

3 A. Minus whatever closing costs, so, yeah. Well,
4 yeah, 162, so yeah.

5 Q. You had -- you did have settlement charges of
6 1,025.61; right? Look down under -- line 502, settlement
7 charges.

8 A. Okay.

9 Q. You didn't pay -- you didn't pay the \$4500 of
10 closing costs to the buyer -- to Mr. Hudson that you were
11 going to pay to this gentleman -- or the Foxes; right?

12 A. No, we had 2,420 --

13 Q. Right.

14 A. -- on this one.

15 Q. And you didn't have a real estate commission to
16 pay?

17 A. Correct.

18 Q. Just -- do you think that actual amount to you
19 would have been more under this contract because you
20 didn't have to pay commissions or closing costs than
21 under the 2010 one?

22 A. No.

23 MR. POINTER: Object to the form.

24 BY MR. IRBY (CONT.):

25 Q. You don't think so?

1 A. No.

2 Q. Why not? Why don't you think that?

3 A. Because I sold the house for less.

4 Q. Right, but you didn't have to pay a real estate
5 commission.

6 A. That still would not have -- in my mind that still
7 would have been -- the percentage that would have been
8 still. I would have made more money off of the first
9 sale than this sale.

10 Q. Have you -- have you done the math?

11 A. I'm not -- no.

12 Q. Do you -- have you -- do you know what amount?

13 A. The percent? No.

14 Q. Do you know how much more you would have made
15 factoring on all these issues from the 2010 sale as
16 opposed to the 2014?

17 A. I mean, we can do hypotheticals on it, but no. If
18 I was going to say looking at the -- from when we built
19 the house in 2006, I mean, if you want to hypothetically
20 say adjusting for appreciation.

21 Q. I wasn't -- I was just talking about the actual
22 sales prices.

23 A. From this -- from the one where we did sell the
24 house?

25 Q. Yeah, from the -- like the -- you're talking about

1 money you walk away with, you know, with this contract
2 where it was for 169 nine, \$7900 more than what you
3 ultimately sold it for; right?

4 A. In my mind --

5 MR. POINTER: Object to the form. Go
6 ahead.

7 MR. BULLARD: In my mind, I still would
8 have -- I felt like I would have still made
9 more money off the original sale, the first --
10 the first sale that didn't go through and
11 that's the way I see that.

12 BY MR. IRBY (CONT.):

13 Q. Right. And I was just -- but you can't tell me
14 what -- what the total amount would have been?

15 A. No.

16 Q. And do you believe that the house sold for less in
17 2014 with your -- as a by owner than it did in 2010 only
18 because of the oil spill?

19 A. Yes.

20 Q. Why do you believe that?

21 A. That's just what I believe.

22 Q. Have you asked any -- anybody for an opinion about
23 that other than just your opinion?

24 A. No. I mean, just my opinion.

25 Q. Have you done any kind of market research or

1 anything like that to support it?

2 A. I figure that's what they do when they do the
3 appraisals on the houses.

4 Q. Market research?

5 A. Well, they do comps of the houses --

6 Q. Sure.

7 A. -- that sold in the area.

8 Q. But do they do an analysis of how an oil spill
9 would have affected a price?

10 A. I don't know.

11 Q. Do you remember whether or not your appraisal -- in
12 the appraisals that you would have seen, if you saw
13 either, the one in 2014, whether it mentioned the oil
14 spill at all?

15 A. I don't recall.

16 Q. And did you -- I can't remember. Did you say you
17 still have or may still have the actual brokerage
18 contract that you signed with Crye-Leike?

19 A. I -- I don't believe we do. Honestly, I don't
20 know. I tried to bring everything that we had --

21 Q. Okay.

22 A. -- that was relevant to that, so --

23 Q. Thank you.

24 A. Yeah.

25 Q. Are you claiming any kind of lost wages as a result

1 of the oil spill?

2 A. No.

3 Q. And your -- are you -- you're making -- are you
4 making a claim, I guess, for diminution of value to your
5 home? Is that part of your claim?

6 MR. POINTER: Objection to the form. You
7 can answer if you think you know.

8 MR. BULLARD: To -- I'm sorry?

9 BY MR. IRBY (CONT.):

10 Q. Yeah. Are you -- are you making some sort of a
11 claim that you lost money on your house as a result of
12 the oil spill?

13 A. Yes, I think that's directly -- I think that
14 looking at the appraisal value on the home that there
15 was -- in my opinion, it was directly related to that,
16 yes.

17 Q. Do you -- but -- just so I'm understanding, and if
18 I'm not, tell me. You don't know what that number is
19 today. How much -- what the value -- the loss value due
20 to the oil spill is. You haven't done those
21 calculations?

22 A. I mean, that's -- if we look at the appraisal from
23 2010 to the appraisal in 2014, we know that there was a
24 definite difference and there was no other -- I mean,
25 there's nothing else that happened there in my mind that

1 would have caused that.

2 Q. So the -- so the appraisal of '10 to '14, that's --
3 that's the claim? That's the claim?

4 A. Well, and whatever --

5 MR. POINTER: Object to form. Go ahead.

6 MR. BULLARD: Whatever the appreciation
7 would have been from 2000 -- to the date of the
8 house being sold.

9 BY MR. IRBY (CONT.):

10 Q. Have you done any of that work to see what the
11 appreciation would have been?

12 A. I mean, there -- there would be no appreciation
13 now. I mean, it was a depreciation. So, no, I have not.

14 Q. Okay. You don't have any medical bills that you
15 are claiming you had to incur as a result of this spill?

16 A. No, sir.

17 Q. Are you -- are you claiming that you were subjected
18 to nuisance as a result of the spill?

19 MR. POINTER: Object to the form. You can
20 answer.

21 MR. BULLARD: By nuisance, what do you
22 mean?

23 BY MR. IRBY (CONT.):

24 Q. I mean -- I'm trying to get a handle on what
25 your -- what your claim for damages are. I understand, I

1 think, we've talked about your diminution of value of
2 your home. You don't have a lost wages or medical bills.
3 You've -- I think you're -- are you claiming that the
4 odor -- you should be compensated monetarily for the odor
5 or anything -- or any inconvenience or anything like
6 that?

7 A. It's -- it's -- I mean, it's not just that. It's
8 my -- I mean, my whole way of life changed.

9 Q. Okay.

10 A. We -- not only did I have to -- I had to move from
11 the house that we built. I had to find something similar
12 to the -- to what I had there. It still doesn't replace
13 what I had there, but, I mean, I had easy access to a
14 lake. I could duck hunt on that lake. I could fish on
15 that lake. I could go out and enjoy nature, and, I mean,
16 it's -- my whole -- everything about what we envisioned
17 of our life being changed on that -- that day. From that
18 day on, it -- you just -- you didn't feel comfortable
19 being there. I didn't -- the house that we had was only
20 a couple hundred feet from that pipeline. I couldn't sit
21 there and worry about it happening again and me having a
22 kid and him being next to it if it happened again. So,
23 no, it's not just -- it's not just my house. And it's --
24 it's all of it together. It's -- I mean, does that
25 answer your --

1 Q. Yeah, I'm just trying to get a handle on what --
2 and you've described it. So I just wanted to make sure I
3 get a full picture of what your -- what your claim --
4 what you're going to tell the jury you would like to be
5 compensated for, and as I appreciate it, it's -- you
6 believe it's required you to change your life by moving
7 to a different town. Even though you were planning to
8 move from that house, you wanted to stay in the area. Is
9 that your testimony?

10 A. Correct.

11 Q. But now you live in Benton, and you enjoy that --
12 in fairness, you enjoy living in Benton; true?

13 A. I mean, I wouldn't have moved there if I didn't
14 think I would enjoy it.

15 Q. Sure.

16 A. Did I want to -- did I want to have to move? No.
17 But, I mean, that's -- that's where we are today.

18 Q. Right. And -- and so I just want to make sure I
19 get a full picture of what your -- what your claim is,
20 so --

21 A. It's -- I mean, I moved there because I -- I like
22 the outdoors. I grew -- grew up in the outdoors.
23 Mayflower was a perfect -- perfect town for that. You're
24 just right outside of the city. I can be at work in 15,
25 20 minutes, but I could enjoy nature. A large portion of

1 that was that lake, which today is nothing like what it
2 was before that day. The greenery, the -- just the
3 wilderness that was there, just the animals, the -- it --
4 it doesn't feel like the same place. To me, it feels
5 dirty. It just -- there's nothing that you can do to
6 change that, and you just -- you don't want to raise a
7 kid in that type of a situation. You don't want to raise
8 a family to where you just don't feel safe.

9 Q. What are you -- talking about Lake Conway,
10 what's -- what do you believe has been changed on Lake
11 Conway?

12 A. I mean, it's an ecosystem. I believe that whole
13 ecosystem is different. There's nothing there that's the
14 same as what it was the day before that took place.

15 Q. I mean, what's changed? Help me understand.

16 A. All right. So let's just start off by when you get
17 off -- let's say you're getting off on the interstate
18 right there at Mayflower. Before you couldn't see from
19 that -- you couldn't see from the interstate across that
20 body of water to see those houses. All of that was green
21 vegetation with wildlife in it. The Grassy Lake would be
22 covered in lily pads. There would be wildlife, ducks in
23 there. You could see all that. That's not there any
24 more. That's gone.

25 Q. What are you calling Grassy Lake, I mean, just so I

1 can get my -- we'll mark this as Exhibit Number 12.

2 (Exhibit 12 was marked.)

3 BY MR. IRBY (CONT.):

4 Q. Just so I understand what you're -- what you're
5 calling the lake.

6 A. This area right here.

7 Q. Okay. The area right under Highway 89. Why don't
8 you circle it for you me?

9 MR. POINTER: Scott, do you know what year
10 this imagery is taken?

11 MR. IRBY: No.

12 MR. POINTER: Was it before or after the
13 spill?

14 MR. IRBY: Don't know.

15 MR. BULLARD: It says 1994.

16 MR. IRBY: Down there, and then it says
17 imagery 9/20/2015, so I'm not sure which one is
18 which. I can't vouch for it.

19 MR. BULLARD: It looks like this -- I
20 mean, from that icon, I would say that they
21 took the time back to 1994.

22 MR. POINTER: Yeah, but it actually says
23 imagery date.

24 MR. BULLARD: I gotcha.

25 MR. POINTER: 2015, so we're going to say

1 that's after the spill.

2 MR. BULLARD: Okay.

3 BY MR. IRBY (CONT.):

4 Q. But your -- your testimony is this -- this is what
5 you're calling Grassy Lake, this kind of cove area right
6 to the south of 89?

7 A. And that may not -- correct, and that may not be
8 the actual -- that's what I call it, but doesn't mean
9 that that's what the Game & Fish call it.

10 Q. And that's why I wanted to ask. I don't know.

11 A. Correct.

12 Q. You know.

13 A. That's -- but, yes, that's the area I'm talking
14 about.

15 Now, before you couldn't see from here to there,
16 now you can. It's -- it just -- and not only -- it was
17 the area on the other side of the bridge. There was also
18 wildlife there that when all this was taking place, it
19 was just gone. There again, the lily pads, the ducks.

20 Q. Did you ever spend any time in this area --

21 A. Yes.

22 Q. -- that you're calling --

23 What did you do in Grassy -- this Grassy Lake?

24 A. We fished. I drove by there. We bank fished that
25 area before right off the bridge.

1 Q. Right off of 89 --

2 A. Correct.

3 Q. -- you fished into --

4 A. Yeah, you could fish on that.

5 Also south of there.

6 Down -- we've duck hunted down in -- whatever this
7 area. I'm not -- don't recall exactly what it's call.

8 There's a wildlife refuge that was there.

9 Q. Right, uh-huh.

10 A. We've duck hunted just right out of there. I don't
11 do that any more there.

12 Q. Why don't you duck hunt in that area?

13 A. I just wouldn't feel comfortable eating any kind of
14 wildlife that I killed from that area.

15 Q. Okay.

16 A. And that's -- that's pretty much why I don't duck
17 hunt there. I don't -- well, I don't crappie fish there.
18 I don't bass fish there. I don't catfish there any more.

19 Q. In the actual lake itself?

20 A. Any of it.

21 Q. And it's all because of the spill?

22 A. Oh, yeah.

23 Q. Have you looked to see, you know, any kind of
24 reports about what actually got into the main body of the
25 lake?

1 A. I -- I -- honestly, I don't -- it's not about
2 looking at reports. It's about my -- just me being
3 comfortable with it.

4 Q. Okay.

5 A. And I don't want to take that chance. It's just in
6 my mind I don't want to -- it's better if I don't have to
7 even worry about it. So I just take the added precaution
8 to avoid it. Just so I don't have to sit there and worry
9 about what -- what am I putting into my body that could
10 be there. Because, I mean, ducks are bottom feeders.
11 From the way I understand the way this stuff works is it
12 sinks to the bottom over time, and ducks feed in the --
13 in the dirt on the bottom of the water. So I definitely
14 am not going to try to ingest something that --

15 Q. Where did you -- where do you get that
16 appreciation?

17 A. I don't -- I -- maybe a news report back in the
18 day. I don't know.

19 Q. Anything specific that you can point me to?

20 A. I do not. I believe I just overheard something
21 saying that, you know, over time it -- it just -- as it
22 breaks down, it sinks, but there again, I don't -- I
23 don't have specifics.

24 Q. And so you haven't fished one time in Lake Conway
25 since the oil spill?

1 A. No, sir.

2 Q. And did you fish -- how often did you fish in Lake
3 Conway before then?

4 A. Any time I wanted to go fishing. I mean, it's easy
5 access. If I wanted to go on it Sunday afternoon after
6 work, I could pick up a rod and reel and go anywhere on
7 the lake and go fish. There are multiple fishing piers.
8 There's spillways.

9 Q. You would normally do this bank fishing; is that
10 right?

11 A. I mean, I've been out on the lake in boats. I've
12 done both. I'm not -- equal amount of time doing either
13 one, just depending on which one you wanted to do.

14 Q. Do you -- do you -- I mean, I don't know how often
15 you get up that way being -- living in Benton now, but
16 have you seen people fishing on the lake since?

17 A. I don't really go up that way, and usually if I'm
18 passing through there, it's very early in the morning and
19 it's not going to be something that I would pay attention
20 to.

21 Q. Where is the area that you say there's no more lily
22 pads?

23 A. That whole area that I circled there.

24 Q. That kind of cove area?

25 A. Yes, sir.

1 Q. That you're -- that you're calling Grassy Lake?

2 A. Well, and that -- yeah, that was back whenever I
3 was there. Like I said, I don't really venture that way
4 to check things out any more. It's not --

5 Q. You haven't been up there recently to see what it
6 looks likes now I guess?

7 A. I feel like I just -- I don't have any reason to,
8 you know.

9 Q. And you've got a -- when did you get your boat?

10 A. I don't recall the exact date.

11 Q. Was it after the spill?

12 A. What was the spill date? In 2014?

13 Q. 2013.

14 A. 2013. I -- I don't know. I would say -- yeah,
15 probably after the spill.

16 Q. And it's a -- is it a bass boat? What kind of
17 engine do you have on it?

18 A. It's 150 horsepower motor.

19 Q. That's a boat that you wouldn't -- that particular
20 boat you wouldn't be able to put on Lake Conway?

21 A. Oh, no. You could put it on Lake Conway.

22 Q. You could?

23 A. You wouldn't want to run it on pad across Lake
24 Conway, but you could put it in lake -- I've been in
25 bigger boats than that on Lake Conway.

1 Q. Okay.

2 A. Yeah, but I highly would not recommend just trying
3 to run it wide open across there.

4 Q. I wouldn't think so.

5 A. But they do -- they have boat lanes cut out, so --
6 and marked, clearly marked. So, yes, you could -- you
7 can take a big boat, a fiberglass boat on Lake Conway.

8 Q. You just got to be careful?

9 A. You just need to be careful.

10 Q. Okay.

11 A. Or have really good lower unit insurance.

12 MR. IRBY: All right. Why don't we take a
13 quick break, and -- and we'll adjourn.
14 Hopefully -- I don't think I have a whole lot
15 more, so --

16 MR. TSCHIEMER: Okay. This will end media
17 part one. We're off the record at 10:17 a.m.

18 (The deposition recessed at 10:17 a.m. and
19 reconvened at 10:29 a.m.)

20 MR. TSCHIEMER: We're back on the record
21 at 10:29 a.m. This will begin media part two.
22 Please proceed.

23 BY MR. IRBY (CONT.):

24 Q. Mr. Bullard, just a couple more questions.

25 When you talked about the calls that you made to

1 the folks from Exxon, were those calls -- would you have
2 made those calls from your cell phone?

3 A. Yes.

4 Q. Is that that 58 -- 580?

5 A. Unless we had the house phone still at the time,
6 and it's possible I could have called from a house phone.
7 I don't know when we canceled the house phone. So It
8 could have been from either/or. It would have been from
9 my cell phone or the house phone.

10 Q. Do you remember the -- your cell phone number?

11 A. It's the same one I have now, (501) 580-8137.

12 Q. What about the house phone, do you remember? Was
13 it the one that was listed on that medical record?

14 A. That might be the 680-2010. I don't really recall
15 what -- what the house phone number was, but that might
16 be it.

17 Q. You said that when you sold your house the second
18 time in 20 -- or that when you -- the one when you
19 finally sold it in 2014, you put it by owner on Zillow;
20 right?

21 A. Correct.

22 Q. Do you know how long it was on Zillow before you
23 got the offer that was ultimately accepted?

24 A. Don't -- don't recall. That would be something
25 more my wife would be able to answer.

1 Q. You would defer to her testimony on how long it was
2 on there?

3 A. Yes.

4 MR. IRBY: Okay. All right. Thank you.

5 BY MR. POINTER:

6 Q. Craig, just a couple of questions.

7 There's a medical record that I believe was made
8 Exhibit 8, and it was the July 10, 2013 record. It looks
9 like your physician was doing a physical exam, and we've
10 talked about one of the purposes of that being the refill
11 of medication for restless leg syndrome.

12 Your wife testified yesterday that she had to have
13 a physical done as part of the adoption process for Tate.
14 Do you recall that being something you had to do?

15 A. Yes.

16 Q. Okay. So this July 10, 2013 physical exam, one
17 reason for it could have been for the adoption?

18 A. Could have been, yes.

19 Q. Okay. And he's listed here under the HPI has
20 history of RLS, which is restless leg syndrome, and takes
21 meds and otherwise no concerns. You were asked a
22 question about that. As we sit here today, do you know
23 if you told the doctor that you have no other concerns or
24 if that's simply what he's put in the record?

25 A. Yeah. I do not recall telling -- telling -- him

1 asking or me telling anything. Specifics, I think it was
2 just to go in there to get a refill for my prescription.
3 I don't recall him asking me if I had any other concerns.

4 Q. Okay. And you indicated that after this oil spill
5 you had headaches, you had nausea, you had nose bleeds,
6 but that these were not symptoms that you recall
7 discussing with a medical provider; is that correct?

8 A. That is correct.

9 Q. And any particular reason why you wouldn't discuss
10 those with a medical provider?

11 A. I just -- I don't -- I don't feel comfortable going
12 to doctors. I don't -- I would say I probably get that
13 from my dad. What do they call it, the white coat
14 syndrome? You don't -- I just get very nervous going to
15 a doctor. I don't want to go and hear something bad
16 or -- I try to limit as much time. Unless I have to go
17 there, I don't. It's just -- I don't know. It's just
18 me.

19 Q. So you didn't mention these symptoms not because
20 they weren't serious, but because you generally don't
21 like going to doctors and talking about problems?

22 A. Correct, I just want to get --

23 MR. IRBY: Objection, leading.

24 MR. BULLARD: No, I mean, that's -- yes, I
25 want to get in there and out of there as fast

1 as I can.

2 BY MR. POINTER (CONT.):

3 Q. Okay. Were these symptoms that you experienced
4 serious as far as you believe?

5 A. In my mind, yes, they would be serious. I mean,
6 it's -- when they're -- when they're happening, you
7 don't -- you're caught up in the moment. You don't think
8 about it. It's just -- you deal with it as it is. I'm
9 not going to sit there and dwell on something, but, I
10 mean, over time, it starts to wear on you. You start
11 thinking about it, and then you start to connect dots,
12 and then it's just one of those -- and over time, you
13 don't know where it's going to go.

14 Q. Do you have any concern or worry about any long
15 term health effects for either you or your family as a
16 result of exposure to this spill?

17 A. Well, of course. It worries me every day,
18 especially having a -- I mean, we had a newborn in that
19 house a couple of months afterwards. It's all you can
20 do, every cough, every -- every time you have to go to
21 the doctor, you wonder if that's why. It's -- yeah, it
22 plays on you night and day. Every time my wife gets a
23 headache, you wonder if that's what it's from. It's --
24 yes.

25 Q. Okay.

1 Was that a part of your decision making process
2 when you decided to leave Mayflower, concern over any
3 long term health issues?

4 A. Yes, it's -- just being there made me -- you take
5 into account everything, and you just -- you can't -- you
6 can't stay there because you just feel like everything is
7 toxic. Yes, that's -- that's why we decided to -- we
8 felt like we had to leave Mayflower. It's not -- it's
9 not the fact that we wanted to leave Mayflower. We had
10 to leave Mayflower because you just -- I felt like a
11 prisoner in my own home, and it's just -- you can't go
12 out and enjoy the things that you want to enjoy. The
13 whole reason of you moving there, you get to the point to
14 where you don't even enjoy the house because you feel
15 like it's everywhere in the house. You smell it on
16 everything. It's just -- it's everywhere.

17 Q. You were asked a question about damages that you're
18 claiming. Would you say that that -- if you had to
19 prioritize the damages, would you say that the -- the
20 major damage was having to leave Mayflower for you?

21 A. Yes, I mean, just the whole -- the whole change of
22 my life-style, everything. It's -- yes. I mean, it's --
23 I mean, it was the whole undoing of my normal life-style
24 that I had. The process that we had from coming home
25 from work to getting up in the morning, the commute that

1 we had, everything changed. Everything changed. Not
2 only from the scenery, but from the amount of time that
3 it would take to get from point A to point B, the traffic
4 that you would incur. It's -- it's everything that took
5 place in that timeframe, and when you start thinking
6 about it, you know what it -- what it led back to, why
7 it's like that, and that made you start reliving the fact
8 that, okay, this is still stuff that -- that I'm
9 breathing every day. I'm smelling it every day. My
10 kid's potentially walking through it every day. Just --
11 it doesn't -- it did never go away to the point to where
12 you just decided enough is enough. I have to go.

13 Q. Prior to the spill, would you say you loved living
14 in Mayflower?

15 A. Oh, yeah, I had no problems whatsoever.

16 Q. And after the spill, obviously, you felt different
17 based on your testimony?

18 A. It just -- yeah, it had -- it just feels -- it felt
19 unclean. It felt dirty.

20 Q. Would you say you were uncomfortable there
21 afterwards?

22 A. Very much so.

23 Q. Would you say you've lost your enjoyment of living
24 there after the spill?

25 A. Yes, very much so.

1 Q. Is it fair to say that you had lost peace of mind
2 based on your -- based on the spill there, that you had
3 lost your peace of mind living there?

4 A. Yes, especially in my own home, not knowing what
5 you were breathing sitting on your couch watching TV day
6 in and day out. It's -- it's those little things that
7 that's -- that's what -- that's when you really start
8 wondering and thinking about it, that's really what
9 starts to wear on you. Just being inside your own home
10 that you should feel safe and comfortable in and you
11 don't. You feel trapped. And no matter you go -- you
12 shouldn't have to go to somebody else's house on the
13 weekends just to -- to feel like you're getting away from
14 your own home.

15 Q. Okay. So there was a disruption and an
16 inconvenience to your life. Is that fair to say?

17 A. Yes, I had to move.

18 Q. Okay. Impact to your use and enjoyment of the
19 property, is that a fair statement?

20 A. Property and surrounding areas, yes.

21 Q. Okay. We talked a little bit about roadblocks, and
22 I didn't get a -- didn't get a clear sense. I know there
23 were some as you tried to look around on that Sunday,
24 which would have been Easter Sunday that you returned.

25 A. Correct.

1 Q. Any other areas where you were either blocked from
2 going or slowed down from going at any point after this
3 spill?

4 A. Oh, yes. All right. So I'm going to use the map
5 that you provided here.

6 MR. IRBY: Sure.

7 MR. BULLARD: 360 -- like I said 365 right
8 by where the Big Star use to be, there would be
9 roadblocks there. They would -- they would
10 stop the flow of traffic, impede traffic. 89
11 both at the -- what I had called Grassy Lake,
12 right there where it goes -- flows into the
13 main lake, they would block traffic there.

14 Just the amount of traffic flow up and
15 down 365, just getting behind the heavy
16 equipment, behind endless caravans of heavy
17 equipment going to -- I guess they had a
18 staging area down 365, and that would be our
19 main route to going to work would be 365. You
20 would get behind those and it would take
21 forever.

22 Definitely on whatever -- I'm not sure
23 what that side street is that runs parallel to
24 the railroad tracks there in Mayflower, but
25 they would have that blocked off right -- just

1 as soon as you started trying to go down it.
2 They would -- they would block access to that.

3 The amount of media that were there
4 stopping traffic, just -- not really stopping
5 traffic, but just slowing down your -- your
6 normal day-to-day activities. What should take
7 you -- what should have taken me two minutes to
8 go to the grocery store turns into a 20 minute
9 ordeal. What use to be a 20 minute commute to
10 get to work turns into an hour or longer. On
11 the weekends just trying to go somewhere,
12 you're still running into just people
13 everywhere.

14 I mean -- so, yeah, definitely -- there
15 definitely were roadblocks. There were
16 definitely slow spots. There were definitely
17 just a mass influx of just the amount of people
18 and things that would have been there on any
19 day-to-day normal activity.

20 BY MR. POINTER (CONT.):

21 Q. You mentioned some of those were media; correct?

22 A. Correct.

23 Q. And some were clean up or construction crews?

24 A. Correct.

25 Q. What about noise from any of those operations?

1 A. Oh, night -- night and day. You'd hear it night
2 and day. So the house that we had kind of set up on a
3 hill, so we were kind of above all the houses. So you
4 weren't really getting any kind of a blockade from --
5 from normal structures so I could -- I could -- at night
6 I could walk out of my house at 11 o'clock at night and
7 see skylights that they had shining down into the area.
8 You could hear the workers working. It just -- it got to
9 the point to where that was normal. So you didn't -- you
10 didn't -- it's just once you get so use to it, it just
11 becomes, oh, okay, that's what's going on over there.
12 Whereas, before I never had the -- that wasn't anything I
13 had to worry about.

14 Q. Contrast with before when you would walk out your
15 front door, what would you see and experience?

16 A. Green trees, wildlife, I mean, just scenery. The
17 reason why I built that house on the hill is for the
18 scenery. I didn't -- that's not what you see every day
19 you walk outside. You see taking place of an oil spill.
20 I mean, that's what it is. It's an oil spill.

21 Q. Was it quiet before when you would walk out?

22 A. Oh, yeah. Oh, yeah. I mean, you'd have a train go
23 by every night at 11. That's about the loudest thing
24 you'd get. Instead of walking outside every night when
25 you step foot out of your car from work wanting to relax,

1 you hear workers over there working.

2 Q. Your wife testified regarding some birds that were
3 in the yard. Did you see any -- any dead animals, dead
4 fish after the spill?

5 A. Oh, yeah.

6 Q. Tell me a little about that.

7 A. There were -- I mean, dead fish, dead frogs, dead
8 snakes, dead turtles, dead birds, dead waterfowl, ducks.
9 I mean, anything that would get in that, it would --
10 you're going -- you eat some of that, you're going to
11 die. I mean, you get covered by it long enough without
12 somebody finding you, you're going -- it's going to die.
13 Plants dead, not only from the oil, but just from the
14 traffic that was having to go in.

15 Yeah, it's -- I mean, it's sad. I mean, it's --
16 being an outdoorsman, you don't want to see stuff happen
17 like that, that's not -- that's not how it's intended to
18 happen. I mean, say what you want about hunting, but
19 this is -- this is completely -- this is something
20 different.

21 Q. Okay. Was that primarily in the lake and cove area
22 or was that all around town?

23 A. Man, it was -- it was everywhere. Because this
24 didn't just happen on the lake. This happened in a -- in
25 a wooded neighborhood. So, I mean, deer go through

1 there, possums, skunks, everything, anything that goes
2 through that ecosystem was there. So, yeah, any of it
3 could have had an effect. Like I said, I use to deer
4 hunt in that area. I wouldn't deer hunt in that area
5 now. You don't know what they've ate. I mean, you don't
6 know what they've ingested as far as from the plant life.
7 Can you say that it's -- yeah, it's sad.

8 Q. And all that plant life you're talking about was
9 one of the primary reasons you chose to live there;
10 correct?

11 A. Yeah, that's -- that's the main reason I live
12 there. I mean, you can ask my wife. My whole thing is
13 whenever we move somewhere, why do you want -- where do
14 you want to go? I want to go somewhere where I can fish
15 and hunt any day I want to go out and it be -- have
16 access to it.

17 Q. And as I understand your testimony, based on your
18 worry about how things came out after the spill, that's
19 the reason you decided to move?

20 A. Yes, and -- to move to the current location that
21 we're in now?

22 Q. Uh-huh.

23 A. Correct, and it --

24 Q. To leave Mayflower?

25 A. To leave Mayflower, yes. And I -- I mean, that's

1 just what I like to do. And the place that I live now, I
2 don't get all of it, but I get what's closest to what I
3 had. So does it match what I had? No. Will anything
4 close to this area do that? Probably not, but I found
5 something that was close enough, I guess. I still -- I
6 still miss out on being able to just drive down the
7 street to go deer hunting or to go duck hunting. I still
8 have to go quite a ways for that, but --

9 Q. Just one more question. You mentioned a town hall
10 meeting where -- if that's what it was called, but you
11 went to it and it turned out to be some attorneys that
12 were signing up clients. That was not put on by your
13 attorneys; correct?

14 A. Correct, no.

15 Q. In fact, your attorneys were nowhere near that as
16 far as you know; correct?

17 A. No, sir.

18 MR. POINTER: Nothing further.

19 BY MR. IRBY:

20 Q. Just a few follow-up questions, Mr. Bullard.

21 A. Sure.

22 Q. Did you and your wife when you left for work, did
23 you all leave at the same time or close to the same time
24 or how did that work?

25 A. Many of the days we'd ride together because we both

1 work in the same general area.

2 Q. But you'd typically leave either together or around
3 the same time --

4 A. Correct.

5 Q. -- even if you drove separately?

6 A. Well, no. If we drove separately, sometimes I
7 would leave earlier. That would be usually the reason
8 for not riding together.

9 Q. So you mentioned that your commute went from 20
10 minutes to an hour?

11 A. It could take that long, correct.

12 Q. How long did your commute due to what you relate to
13 traffic problems take and go from -- how long did that
14 hour long commute, how long did that last?

15 A. Due to the traffic congestion?

16 Q. Yeah, uh-huh.

17 A. There's no telling. I mean, you go from 20 minutes
18 to an hour and there's 40 minutes in there. So I would
19 say probably the 40 -- 40 minute timeframe.

20 Q. Sorry, that was a bad question.

21 How long -- how long a period of time was this
22 where your commute went from 20 minutes to an hour?

23 A. For the first couple of months, it was pretty study
24 to the point that you had to try to find an alternate way
25 to get to Little Rock. Once the kind of clean up efforts

1 had kind of calmed down, everything kind of calmed down,
2 I would say a couple of months later, maybe four months,
3 five months later. Once everything kind of -- the
4 spotlight kind of got taken off of it and everything
5 toned down a little bit maybe.

6 Q. So was the -- was the road when you were leaving
7 for work or coming home, was the road to I-40, I guess,
8 89, 365, that little route --

9 A. Right.

10 Q. -- was it -- was it ever blocked where you couldn't
11 get past it?

12 A. Due just -- you would run into a lot of traffic. I
13 wouldn't say that they had barricades up stopping people
14 with guns or anything saying you can't go here, no.

15 Q. Right.

16 A. That -- that was not the case, but there was
17 definitely -- just the amount of traffic that you would
18 have coming in and out of that area to go to that
19 location was impeding us, would slow you down, would stop
20 you, so, yes.

21 Q. So it was just -- it wasn't that the road was
22 blocked. Your -- your recollection is that there was
23 just so much traffic, it would add another 40 minutes to
24 your commute?

25 A. There -- correct. For -- from 89 to 365, correct.

1 Now, on the other side road, that road was blocked.
2 There were times when 365 was blocked to access -- to get
3 to the access by 40 up by the gas station, there were
4 times when that was blocked so you would get -- come from
5 40 trying to go home, that 365 road was blocked at times.
6 89, if you were to take a right off the interstate when
7 you're coming into Mayflower --

8 Q. Right.

9 A. -- going from south to north.

10 Q. Uh-huh. Going opposite --

11 A. Going east to west.

12 Q. Going the opposite direction from where you lived.
13 If you went back toward the lake, is that what you're
14 saying?

15 A. Yeah. So if you were coming in from Little Rock
16 going towards Mayflower, if you tried to take a right on
17 89 there --

18 Q. Right.

19 A. -- there were times when that was blocked.

20 Q. Right.

21 A. They would stop traffic. You could not go there.

22 Q. But that's not where your house was. If you were
23 going to your house, you would go the other direction?

24 A. Correct, but I had -- I did have family that lived
25 in Jacksonville at this time, and if we were trying to go

1 over there, you would run into that as well.

2 Coming down 365, when they would block that, that
3 was me trying to come home. There is no -- the only
4 other way I could get home if that were blocked would be
5 to go all the way back down to Maumelle and come up 365
6 north.

7 Q. So how many times do you think that you tried to
8 get home and you weren't able to pass through 365 and you
9 had to turn all the way round?

10 A. For an extended period of time, I would say a
11 couple. To put an exact number on it, it would be hard
12 to do running in on it, but I know that we did run into
13 it on 365 and on 89.

14 Q. Where did you see the dead fish that you talked
15 about that you related to the oil?

16 A. So if you're looking on the map that you
17 provided --

18 Q. Uh-huh.

19 A. -- as soon as you take a right off the interstate
20 there off that exit and hit 89, that -- that area right
21 there, the area of -- on both sides of 89, right and
22 left, or north and south if you're looking at it.

23 Q. Right.

24 A. This area down here, I'm not sure what they call
25 that, Pierce Creek, Dick's Creek, I don't know what the

1 name of that is, but this area right here that leads down
2 to the spillway, you would see dead fish floating on
3 the -- on the sides. I've seen fish floating down there.
4 Closer to the Game & Fish headquarters, I have seen dead
5 fish down there. I mean --

6 Q. And was this all after the spill you're saying?

7 A. The areas on 89 -- now, going out into the lake, I
8 didn't go back out on the lake after the spill.

9 Q. Right.

10 A. So the areas on 89 and the bridge here you would be
11 seeing from the road. That -- that you could definitely
12 see from the road. The dead -- the dead birds that we
13 had in our yard that I think my wife pointed out, saw
14 those in the yard.

15 Q. Hang on a second. Let's talk about the fish. So
16 you've mentioned there were some down by the Game & Fish.
17 You saw -- you've seen dead fish by the Game & Fish
18 building?

19 A. Right.

20 Q. Okay. Was that --

21 A. That -- that was kind of down by the pier.

22 Q. Was that before or after the spill?

23 A. Probably after.

24 Q. You've seen dead fish in lakes before; right?

25 A. Right.

1 Q. That you don't -- I mean, that's not an unusual
2 occurrence. You're a fisherman.

3 A. I mean, yeah, you don't see them all the time. I
4 mean, it's not something that's -- you're not just going
5 to go out on a lake and go find a dead fish.

6 Q. Right, but you've seen them; right?

7 A. Oh, yeah.

8 Q. And so how do you know that the -- or do you know
9 that these dead fish that you saw were -- were killed by
10 the oil?

11 A. Do I know? No, it is of my opinion that that's
12 what -- that's what your brain naturally goes to after
13 something like that, that's what you're going to
14 naturally think.

15 Q. So what about the dead frogs? Where did you see
16 the dead frogs you're talking about?

17 A. Same area. Same area as far as as soon as you get
18 off of 89. They would just -- there would be -- there
19 would be stuff everywhere. I mean, it's not like -- I'm
20 not going to say it was like biblical proportions or
21 anything, but if you -- if you know what you're looking
22 at, you know what you see. You know when you see a dead
23 duck floating. I mean, and people would try to take care
24 of them. They would try to get them out of there.

25 Q. How many times did you see dead -- dead frogs?

- 1 A. Honestly don't -- don't recall.
- 2 Q. Okay. What about the dead turtles, where did you
- 3 see those?
- 4 A. Same area.
- 5 Q. Right -- right just below Highway 89?
- 6 A. What we are calling Grassy Lake.
- 7 Q. Okay. How times did you see the dead turtles?
- 8 A. I don't -- don't recall.
- 9 Q. What about the dead ducks that you're talking
- 10 about?
- 11 A. Same area and also to the north of the -- to the
- 12 north of where they would -- they would have had buoys
- 13 sitting out right where that creek was.
- 14 Q. Okay.
- 15 A. You -- you would find them there as well.
- 16 Q. And how --
- 17 A. I mean, you could see them as you're getting back
- 18 on the interstate to come -- like you're going towards
- 19 Conway.
- 20 Q. Uh-huh.
- 21 A. You also have a very good view of that area as
- 22 well. So if you know what you're looking at, you'll see
- 23 it. I mean, not everybody is going to notice a snake
- 24 laying on the ground.
- 25 Q. Right.

1 A. It's -- I mean, it's just one of those things if
2 you go outdoors enough, you'll know what you're -- what
3 you're looking at.

4 Q. How many times did you see these dead ducks?

5 A. I honestly don't recall.

6 Q. The dead birds, there were two -- your wife said
7 there were two black birds that were in your yard?

8 A. I don't recall if they were -- what color they
9 were, but yeah.

10 Q. Did you -- did you see them?

11 A. Yes.

12 Q. Okay. Did you bury them?

13 A. I -- I didn't touch them.

14 Q. Just left them lie?

15 A. Yeah, I mean, I'm not going to -- everything I've
16 ever heard is don't -- you don't want to -- you know.

17 Q. You don't want to mess with a dead animal?

18 A. For some reason they always said birds. I don't
19 know why.

20 Q. What -- do you -- did you see oil on these birds?

21 A. I -- I'm not -- I have no idea.

22 Q. Okay. So you didn't see it with your eyes at
23 least, oil; right?

24 A. On the birds?

25 Q. Yes, sir.

1 A. I don't recall.

2 MR. IRBY: Thank you.

3 MR. BULLARD: You're welcome.

4 MR. TSCHIEMER: Okay. This will complete
5 the deposition. We're off the record at
6 10:54 a.m.

7 (The taking of the above-styled deposition
8 concluded at 10:54 a.m.)

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C E R T I F I C A T E

STATE OF ARKANSAS*

* ss

COUNTY OF GARLAND*

I, GAROLD W. PRITSCH, Certified Court Reporter, a Notary Public in and for the aforesaid county and state, do hereby certify that the witness, CRAIG A. BULLARD, was duly sworn by me prior to the taking of testimony as to the truth of the matters attested to and contained therein; that the testimony of said witness was taken by me in machine shorthand notes and was thereafter reduced to typewritten form by me or under my direction and supervision; that the foregoing transcript is a true and accurate record of the testimony given to the best of my understanding and ability.

In accordance with Rule 30(e) of the Rules of Civil Procedure, review of the transcript was not requested by the deponent or any party thereto.

I FURTHER CERTIFY that I am neither counsel for, related to, nor employed by any of the parties to the action in which this proceeding was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested, or otherwise, in the outcome of this action; and that I have no contract with the parties, attorneys, or persons with an interest in the action that affects or has a substantial tendency to affect impartiality, that requires me to relinquish control of an original deposition transcript or copies of the transcript before it is certified and delivered to the custodial attorney, or that requires me to provide any service not made available to all parties to the action.

GIVEN UNDER MY HAND and SEAL OF OFFICE on this 27th day of March, 2016.

Garold W. Pritsch, CCR, LS No. 329, Notary
Public in and for Garland County, Arkansas

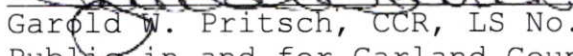
My Commission expires February 27, 2020.

1 REPORTER'S CERTIFICATION OF CERTIFIED COPY

2
3 I, GAROLD W. PRITSCH, LS No. 329, Certified Court
4 Reporter in the State of Arkansas, certify that the
5 foregoing pages 1 through 108 constitute a true and
6 correct copy of the original deposition of CRAIG A.
7 BULLARD taken on March 22nd, 2016.

8 I declare under penalty of perjury under the laws
9 of the State of Arkansas that the foregoing is true and
10 correct.

11 Dated this 27th day of March, 2016.

12
13 
14 Garold W. Pritsch, CCR, LS No. 329, Notary
Public in and for Garland County, Arkansas

15 My Commission expires February 27, 2020.
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